

responsibility for the nationwide network of institutions authorized to issue and redeem savings bonds.

(12) Maintains accounting and transaction records for all United States savings bonds printed, issued and retired.

(13) Provides direction, guidance, and instruction to Federal Reserve Banks as fiscal agents pertaining to public debt securities.

(14) Performs the review, improvement, and reporting for the governmentwide accounting systems it maintains in accordance with Section 4 of the FMFIA, 31 U.S.C. 3215(d)(2)(B).

6. *Authority.* Treasury Order 101-05, "Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury."

7. *Cancellation.* Treasury Directive 27-02, "Organization and Functions of the Fiscal Service," dated April 18, 1990, is superseded.

8. *Office of Primary Interest.* Office of the Fiscal Assistant Secretary.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 92-19012 Filed 8-10-92; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register

Vol. 57, No. 155

Tuesday, August 11, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, August 12, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: Labeling Requirements for Art Materials.

The staff will brief the Commission on issues concerning labeling requirements for art materials presenting chronic hazards. The staff will discuss a draft **Federal Register** notice containing the final codification of ASTM D-4236, final chronic hazard guidelines, and final supplemental definition of "toxic."

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: August 5, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92-19168 Filed 8-7-92; 2:58 pm]

BILLING CODE 6355-01-M

U.S. CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, August 13, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED:

1. Pride in Public Service Award

The Commission will present the Pride in Public service award to August's recipient.

2. Voluntary Standards/International Affairs Activities

The staff will brief the Commission on voluntary standards and international affairs activities carried out by staff.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504-0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504-0800.

Dated: August 5, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92-19169 Filed 8-7-92; 2:58 pm]

BILLING CODE 6355-01-M

SECURITIES AND EXCHANGE COMMISSION Agency Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following meeting during the week August 10, 1992.

A closed meeting will be held on

Wednesday, August 12, 1992, at 2:30 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c) (4), (8), (9)(A) and (10) and 17 CFR 200.402(a) (4), (8), (9)(i) and (10), permit consideration of the scheduled matters at a closed meeting.

Commissioner Roberts, as duty officer, voted to consider the items listed for the closed meeting in a closed session.

The subject matter of the Closed meeting scheduled for Wednesday, August 12, 1992, at 2:30 p.m., will be:

Institution of injunctive actions.

Institution of administrative proceedings of an enforcement nature.

Settlement of injunctive actions.

Settlement of administrative proceedings of an enforcement nature.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Bruce Rosenblum at (202) 272-2300.

Dated: August 5, 1992.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-19167 Filed 8-7-92; 2:57 pm]

BILLING CODE 8010-01-M

Corrections

Federal Register

Vol. 57, No. 155

Tuesday, August 11, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

International Trade Administration

U.S. Geological Survey, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 92-16656 beginning on page 31353 in the issue of Wednesday, July 15, 1992, on page 31354, in the third full paragraph, in the ninth line, "μ1" should read "μl".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 910935-2137]

RIN 0693-AA76

Technical Interpretation No. 1, Invalid Arguments in Intrinsic Functions, for Federal Information Processing Standard (FIPS) 21-3, COBOL

Correction

In notice document 92-17920 beginning on page 33492 in the issue of Wednesday, July 29, 1992, make the following corrections:

1. On page 33493:
 - a. In the first column, in the fifth line, insert "data" after "incompatible".
 - b. In the same column, under *Discussion of the Issues*, in the fifth line, "(85)" should read "{3}".
 - c. In the 2d column, in the 11th line from the bottom, "date" should read "data".

BILLING CODE 1505-01-D

NUCLEAR REGULATORY COMMISSION

New Standard Technical Specifications (Proof and Review); Availability

Correction

In notice document 92-18118 appearing on page 33979 in the issue of Friday, July 31, 1992, in the 2d column, in the 3rd paragraph, in the 12th and 13th lines, the phone number should read "(301) 504-1778".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at Tallahassee Regional Airport, Tallahassee, FL

Correction

In notice document 92-18449 appearing on page 34333 in the issue of Tuesday, August 4, 1992, make the following correction in the second column, in the **SUPPLEMENTARY INFORMATION**, in the second paragraph, in the sixth line, "improve" should read "approve".

BILLING CODE 1505-01-D

Test Report Federal Register

Tuesday
August 11, 1992

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 1, et al.

Aircraft Flight Simulator Use in Pilot
Training, Testing, and Checking and at
Training Centers; Proposed Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1, 61, 91, 121, 125, 135, 141, 142

[Docket No. 26933; Notice No. 92-10; and Special Federal Aviation Regulation No. 58]

RIN 2120-AA83

Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes new regulations that would contain certification and operating rules for training centers that would provide additional use of aircraft flight simulators and flight training devices for pilot training, testing, and checking. This proposed rulemaking would increase the use of flight simulators and flight training devices by persons other than air carrier certificate holders and would reduce the number of exemptions for the use of flight simulators. The new rules also would add regulations enabling Category III Instrument Landing System (ILS) operations.

DATES: Comments must be received on or before December 9, 1992.

ADDRESSES: Comments on this proposal may be mailed, in triplicate, to: Federal Aviation Administration, Office of the Chief Counsel, ATTN: Rules Docket (AGC-10), Docket No. 26933, 800 Independence Avenue SW., Washington, DC 20591. Comments delivered must be marked "Docket No. 26933." Comments may be examined at Room 915G weekdays between 8:30 a.m. and 5 p.m. (except on Federal holidays).

FOR FURTHER INFORMATION CONTACT: Warren Robbins or Ron Myres, Manager, Regulations Branch, (AFS-850), General Aviation and Commercial Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, Telephone (202) 267-8150.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or arguments as they may desire. Comments relating to the environmental, energy, federalism, or economic impact that might result from adopting the proposals contained in this

NPRM are invited. The comments should identify the regulatory docket or notice number and should be submitted in triplicate to the address above. All comments received on or before the closing date will be considered by the Administrator before taking action on the proposed rules. The proposals contained in this NPRM may be changed in light of the comments received. All comments submitted will be available in the Rules Docket for examination by interested persons. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

The FAA will acknowledge receipt of a comment if the commenter submits with the comment a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26933." When the comment is received, the postcard will be dated, time stamped, and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-430, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267-3484. Requests must identify the notice number of this NPRM. Persons interested in being placed on the mailing list for future proposed rules should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Background

Flight simulation technology has shown enormous advancement during the past 30 years. The FAA has permitted greater use of aircraft flight simulators and flight training devices in training, testing, and checking airmen. The increased complexity and operating costs of the modern turbine-powered aircraft and the current operating environment have created an even greater need for the use of flight simulators and flight training devices. In many cases, flight simulators have proven to provide more in-depth training than can be accomplished in the aircraft. The use of flight simulators and flight training devices in lieu of aircraft has resulted in a reduction in air traffic congestion, noise and air pollution, and training costs. The increased use of flight simulators is also consistent with the national policy for fuel conservation. Flight simulators provide a safe flight training environment and may reduce

the number of training accidents by allowing training for emergency situations that cannot be safely conducted in flight. The FAA has traditionally recognized the value of flight simulators and flight training devices and has awarded credit for the completion of certain required training, testing, and checking in such devices.

The first aircraft flight simulators approved by the FAA were relatively unsophisticated and were authorized for only a limited number of maneuvers and procedures. As flight simulator technology developed, the FAA expanded the use of flight simulators but still required students to perform a number of maneuvers in an aircraft. Among these were takeoffs, landings, taxiing, and some approaches.

In Amendment No. 121-55 (35 FR 84; January 3, 1970), the FAA revised parts 61 and 121 to authorize the use of flight simulators and flight training devices for airman training, testing, and checking. This use applied only to part 121 air carriers.

In Amendment No. 61-60 (38 FR 3156; February 1, 1973), the FAA authorized the § 61.58 proficiency check for the pilot of an aircraft requiring more than one pilot to be accomplished in its entirety either in an airplane or in a flight simulator or flight training device. In alternating 12-month periods, the proficiency check needed only to consist of maneuvers and procedures that could be performed in a flight simulator or flight training device as set forth in appendix F of part 121.

Subsequently, the FAA issued Amendments 61-62 and 121-108 (38 FR 35443; December 28, 1973), effective December 19, 1973. These amendments, in part, revised parts 61 and 121 by authorizing certain maneuvers and procedures of the pilot-in-command proficiency check to be performed in an approved visual flight simulator, if the pilot being checked accomplished two landings in an airplane of the same type.

The FAA issued Amendments 61-69 and 121-161 (45 FR 44176; June 30, 1980), effective July 30, 1980, that further expanded the use of advanced flight simulators for air carriers. Amendments 61-69 and 121-161 formed the basis of the Advanced Simulation Plan, which included Phase I, II, IIA, and III flight simulators (Part 121, Appendix H).

Currently, there are approximately 32 holders of exemptions for the use of flight simulators for part 61 training, and the FAA regularly receives new petitions for exemption to expand the use of flight simulator training. The first exemption was approved in November 1974; the first advanced simulation

exemption was issued in 1983. Since the first exemptions were issued, the training roles of several elements of the aviation community have expanded, most notably those of part 121 and part 135 certificate holders providing training for other certificate holders, and aircraft manufacturers providing training. This expansion led to an ever-increasing number of exemptions. The proposed rules are needed to reduce or eliminate the administrative burden of issuing numerous exemptions.

In June 1988, the FAA received from a joint industry/FAA task force¹ several recommendations on the expanded use of flight simulators in new and innovative training programs. The recommendations included: (1) Establishing a training center certificate for a separate training entity certificated to conduct training, testing, and checking under FAR parts 61, 63, 91, 121, 135, 141, etc.; (2) centralizing an approved process for course programs and check airmen at the national level, with local approvals only for speciality (local or unique) courses; and (3) expanding and standardizing the use of flight simulators and flight training devices, while at the same time providing relief from certain provisions of part 121, appendix H. The task force recommended single point oversight of a certificate by the FAA (instead of separate Flight Standards District Offices approving centers in their geographic areas), defining training center recordkeeping requirements, and providing relief from the medical certificate requirements for instructors and check airmen conducting training in only flight simulators and flight training devices. The task force submitted aircraft manufacturer recommendations as an addendum that included allowing a manufacturer's training center to provide the initial operating experience (IOE) for air carriers.

In April 1989, this task force examined the role of training centers in air carrier and general aviation contract training, particularly training using flight simulators and flight training devices. Comprised of aviation representatives from special interest groups, aircraft manufacturers, air carriers, university flight departments, and training centers such as SimuFlite, Flight Safety, and Northwest Aerospace Training Corporation, this task force examined flight simulator instructor and evaluator

issues, including prerequisites; initial and recurrent training; requirements for current medical certificates; necessary in-flight experience; training center issues such as recordkeeping, facilities, and equipment; and the training program approval process. The formal recommendations of this task force were forwarded to the FAA in October 1989. Essentially, the task force recommended that the FAA standardize the use of flight simulators and flight training devices, provide a means to certificate entities called training centers, and permit the training centers to apply for national approval of core training programs that could be used by individuals receiving training under parts 61, 121, 125, and 135. Following receipt of the recommendations, the FAA appointed an internal working group to consider the recommendations.

The FAA working group concurred with most of the recommendations of the task force and recommended that the FAA undertake a rulemaking project that would include the certificate training center concept. The FAA working group further recommended the establishment of an organization to implement and manage policy related to training centers and the increased use of flight simulators and flight training devices. This FAA national office would function as a single program manager for certificated training centers.

Related Activity

Two other FAA rulemaking projects address some of the same sections of part 61 that are covered in this NPRM. Phase I of a part 61/part 141 review, Pilot, Flight Instructor, and Pilot School Certification, Amendments 61-490 and 141-4, became effective April 15, 1991. Phase II, affecting parts 61, 141, and 143, is in the developmental stage. Although some of the sections of part 61 involved in Phases I and II of the comprehensive review of parts 61, 141, and 143 are the same as those addressed in this project, the issues are different.

A third project, Special Federal Aviation Regulation (SFAR) No. 58, "Advanced Qualification Program," (Amendment 61-88, effective October 2, 1990) allows air carriers conducting training under part 121 or part 135 to develop innovative approaches to training.

Restructuring of the affected regulatory sections to resolve any discrepancies among the three projects would occur in the final rule based on this NPRM and in Phase II of the review of parts 61, 141, and 143.

Discussion of the Proposal

General

In addition to proposing new rules pertaining to Category III authorizations, this NPRM generally addresses the following: (1) The creation of a new part 142 that would contain certification rules and operating rules for training centers; and (2) an expanded use of, and credit for, training, testing, and checking conducted in flight simulators and flight training devices in accordance with approved programs conducted at training facilities and training centers operated or certificated under SFAR 58, part 121, part 125, part 135, or proposed part 142.

The advantage of the proposed training center concept is that it would provide a common source for standardized, quality training accessible to any individual, operator, or air carrier. Training center certification would establish training rules separate from those for operations conducted under authority of certificates issued under other parts of this chapter. Program approval would be standardized through a national office, which should prove especially helpful for training centers operating in different FAA regions. The rules applicable to training centers would apply nationwide, and training programs would not be subject to approval by local FAA offices.

The proposed rules would not take away any of the uses for flight training devices currently allowed by the FAR, and would have virtually no adverse impact on the airmen who use flight simulator training services. Providers of flight simulation training under proposed part 142 would come under new regulatory controls that would enhance the use of qualified flight simulation in approved training programs. The proposed changes are consistent with a state-of-the-art training concept, and they recognize industry recommendations for the expanded use of sophisticated flight simulation. The FAA believes that, if a student has prerequisite experience, a qualified flight simulator or flight training device used in an approved training program will provide for an effective transfer of skills to the actual aircraft.

The FAA proposes to implement the joint industry/FAA task force recommendations concerning training centers by using an operational concept that would require a training center to obtain a certificate plus a training specification (similar to an operating specification for part 121 and part 135

¹ This task force was later subsumed by the Air Transportation Personnel Training and Qualifications Advisory Committee, established by FAA Order 1110.115, May 2, 1990. Today it continues to function as a subcommittee by the same name under the Aviation Rulemaking Advisory Committee.

operators). It is believed that this would add flexibility to accommodate changing conditions without changing the certificate itself.

Proposed part 142 would allow training centers that do not hold a part 121 or part 135 operating certificate to use approved flight simulators and approved flight training devices for airman training, testing, and checking. The FAA proposes to change parts 61, 121, 125, and 135 to provide a mechanism for crediting training in flight simulators toward the aeronautical experience, testing, and checking requirements of the FAR. Under the proposed rules, part 121 and part 135 certificate holders could continue to train personnel under those parts; however, training would be limited to training aircrew personnel employed by the certificate holder. Those certificate holders would be required to acquire a part 142 training certificate in order to conduct training for other persons or companies.

Under the proposed rules, the authority to issue pilot certificates and the provisions permitting certain training in a flight simulator or flight training device, rather than in an aircraft, would remain in part 61.

Proposed part 142 would regulate training center certification and operation to ensure that qualified flight simulators or flight training devices are used in conjunction with approved courses and curricula. The benefits of completing a course of standardized instruction in a training environment, and in a timeframe that allows for a building-block approach to learning, has been recognized and is reflected in the part 141 flight experience prerequisites for pilot certificates. Thus, part 141 flight experience requirements were used as the basis for many of the proposed part 142 initial requirements.

Category III Operations

This proposal recognizes that technological advances permit aircraft operated under part 91 to conduct Category III extreme reduced visibility landing approaches. As a result, part 91 would be amended to authorize such approaches in appropriately equipped aircraft. Part 61 would be amended to specify the training and testing requirements for Category III operations. Current § 61.67, Category II pilot authorization requirements, and Advisory Circular 120-28, *Criteria for Approval of Category III Landing Minima*, were consulted to develop the proposed amendments.

The FAA is not proposing to amend part 61 or part 91 to establish equipment requirements for Category III operations.

Those requirements are established at the time of aircraft certification by means of the type certificate, or at the time of certification of after-market equipment by means of a supplemental type certificate.

Part 141 Pilot Schools

As proposed, pilot schools currently certificated under part 141 would be permitted to continue to operate as they do now. Certification of new pilot schools would also be permitted under part 141. A part 141 pilot school wishing to use a Level A through Level D flight simulator for more than the hours currently allowed in a pilot ground trainer as described in § 141.41(a)(1), however, would have to become certificated under proposed part 142.

This proposal does not include an increase in credits for use of simulators except in the structured environment created by part 142. Part 141 pilot schools that desire to become training centers certificated under part 142 would apply for certification and course approval under proposed part 142 in the same manner as other applicants.

Flight Training Devices

In several proposed sections in this NPRM, flight training devices are listed with aircraft and flight simulators as permitted equipment for various training, testing, or checking, although no flight training device may exist for that particular task. The FAA proposes to allow the possibility of approving flight training devices for training, testing, and checking a wide variety of tasks to allow and encourage the development of flight training devices in the future. By proposing the possibility of a wide variety of uses for flight training devices, which are generally less expensive than flight simulators, the FAA hopes to encourage the growth of simulation.

Terms

Part 1

Section 1.1 Category III Operations

A new section would be added to include a definition for Category III operations. The proposed definition would add the subcategories of Category IIIa, Category IIIb, and Category IIIc, which have been authorized for several years but not defined in the FAR. In addition to defining these operations, the FAA has set forth in § 61.68 of the NPRM the proposed requirements for pilot authorization to perform them.

SFAR 58

SFAR 58.2 *Definitions*. The definition of training centers would be revised to make it compatible with the definition of proposed § 142.3.

SFAR 58.11. *Approval of Training Qualification, or Evaluation by a Person Who Provides Training by Arrangement*. This section would be revised to include an expiration date. Two years after (the effective date of this amendment), a person who provides training by contract or similar arrangement would have to meet the training, qualification, or evaluation requirements set forth in proposed part 142. When adopting this SFAR, the FAA intended that it remain in effect for a short period of time only. By its own terms, it expires on October 2, 1995, unless sooner terminated. The FAA is proposing to remove it before this termination date because its provisions are covered under proposed §§ 142.85, 142.89, 142.91, and 142.93.

Part 61

Section 61.1a Definition of Terms

This proposed section would define several terms, including "authorized instructor," "flight simulator, airplane," "flight simulator, rotorcraft," and "flight training device." In the past, the terms "simulator" and "training device" have created confusion, so they would be more clearly defined under this section. As defined, the terms would make it clear that certain devices are not considered a flight simulator or a flight training device for purposes of this part. For example, devices such as airborne ILS simulators, ground trainers, instrument trainers, and flight trainers are not considered flight simulators or flight training devices under this part unless specifically evaluated and approved as such by the Administrator.

Flight Simulator

Proposed § 61.1a defines a flight simulator. It is defined as a full-sized replica of a specific type or make, model, and series aircraft cockpit, including the assemblage of equipment and programs necessary to represent the aircraft in ground and flight operations. As defined, a flight simulator would also include a force cueing (motion) system providing cues at least equivalent to a three-degree of freedom motion system. Under the definition, a flight simulator is a device that is approved by the Administrator for uses that would lead to credit for aeronautical experience, required training, checking, or testing.

Flight Training Device

Section 61.1a defines a flight training device as a replica of an aircraft's instruments, equipment, panels, and controls that is located in an open flight deck area or in an enclosed aircraft cockpit. This definition includes the equipment and programs necessary to represent the aircraft in ground operations and flight conditions. As defined, a flight training device would not be required to have a force cueing or visual system. However, like a flight simulator, a flight training device is a device that requires approval by the Administrator for all uses that would lead to credit for aeronautical experience, required training, checking and testing.

Simulated IFR Conditions

Some airmen have expressed concern about the meaning of the expressed terms "simulated IFR conditions" or "simulated instrument conditions" in part 61. There appears to be confusion over whether these conditions can be achieved by the use of hood devices only. These terms are used throughout the FAR to mean that instrument conditions may be simulated by artificially limiting pilot visibility outside the cockpit. Pilot visibility can be limited by a hood device, by artificially limiting visibility in an approved flight simulator or flight training device, or by other appropriate means. Proposed § 61.45 would permit the artificial limitation of visibility by these various means.

Tests and Checks

Generally, this notice uses the term "test" in lieu of the term "check." The notice uses the terms "initial test," "recurrent test," and "practical test." These terms refer to an examination, whatever its nature, on which the applicant receives a grade, even though the grade may only be "pass" or "fail."

An exception is found in proposed § 61.58 that would require a "proficiency check" for a pilot in command of an aircraft. A "proficiency check" is one type of periodic review of a pilot's proficiency as a pilot in command, rather than an initial test to determine that pilot's qualification to be a pilot. Thus, when referring to this type of requirement, the FAA believes that the word "check" is more appropriate.

Aircraft

Currently, the only flight simulators referred to in the FAR are airplane simulators. However, the word "aircraft" is used throughout this proposal to indicate that the proposed

rules apply to training, testing, and checking in helicopters as well as in airplanes. When a proposed requirement is meant to apply to only a particular category or class of aircraft, the appropriate category or class, such as "airplane", "rotorcraft", or "helicopter", is specified.

Normal Landings and Normal Takeoffs

The terms "normal landing" and "normal takeoff" are used in several places in the proposed new sections of part 61. "Normal" is meant to describe maneuvers that are not emergency maneuvers or those that are not done with abnormal conditions. A "normal" takeoff or landing may include those: (1) With different flight path angles, from steep to shallow; (2), with different configurations, such as flaps down or up; (3) to or from different surfaces, such as sod, concrete, and wet or slushy surfaces, or (4) with various other differences that may be described in an aircraft flight manual. An emergency takeoff or landing is not a "normal" takeoff or landing. A takeoff or landing is not "normal" if it is labeled "abnormal" by the aircraft flight manual.

Easily Reached Controls

There has been some question about the meaning of the term "easily reached and operable in a normal manner" which appears in § 61.45. Under this proposal, controls that are "easily reached" are those that can be reached by any airman or applicant seated in a designated pilot seat, with seat belts, shoulder harness, or other provided restraints fastened.

Conventional Manner

This notice also proposes to change the term "normal manner", as it refers to the operation of an aircraft, to "conventional manner" and to define this term. This new definition should eliminate potential confusion associated with the use of such terms as "normal," "abnormal," or "emergency" performance. These different terms currently appear in many aircraft flight manuals and training programs.

As used in this proposed rule, in order to perform a normal, abnormal, or emergency maneuver in a "conventional manner," an applicant must use an aircraft that is equipped with one of the following: (1) A control wheel, stick, yoke, or cyclic control that in cruise flight, and in a forward movement, causes a decrease in pitch attitude, and rearward pressure causes an increase in pitch attitude; a left movement causes a bank to the left, and a movement to the right causes a bank to the right; and (2)

rudder pedals or antitorque pedals which, when depressing the left pedal, cause the aircraft nose to yaw left and, when depressing the right pedal, cause the nose to yaw right.

Under this proposal, aircraft with controls that operate differently than described above may still be used for a practical test, if the examiner determines that the flight test can be conducted safely in the aircraft.

Section-by-Section Summary

Section 61.2 Certification of Foreign Pilots and Flight Instructors

This revised section would permit training centers and their satellite training centers, within the authority granted by the Administrator to those training centers, to add additional ratings and endorsements to U.S.-issued certificates, including adding ratings and endorsements to U.S. certificates issued to foreign pilots. It also would permit them to issue certificates to U.S. citizens, including U.S. citizens residing outside of the United States.

Since part 142 training centers located outside the United States would provide the same structured training (subject to FAA approval) as those within the United States, and since they would employ the same state-of-the-art training methods, the FAA believes that they would be qualified to add additional ratings and endorsements to U.S. certificates.

By proposing to permit training centers to issue certificates to U.S. citizens residing outside the United States, the FAA is fomenting the establishment of satellite training centers abroad. These centers would promote safety and economy by making advanced simulator training available to persons, such as U.S. certificated pilots living abroad, to whom it would not otherwise be readily available.

Section 61.3 Requirement of Certificates, Ratings, and Authorizations

This revised section would authorize instructors employed by a training center certificated under proposed part 142 to provide instruction and endorsements for Category III pilot-in-command and second-in-command authorizations, which previously have been allowed by exemption only. This proposal would eliminate the administrative burden associated with the issuance of exemptions for this purpose.

The following instruction and endorsements currently authorized by the Administrator under this section

would continue to be authorized: (1) instruction in lighter-than-air aircraft given by an appropriately rated commercial pilot as authorized under § 61.139; (2) instruction in air transportation service as authorized under § 61.169 and given by the holder of an ATP certificate; and (3) instruction and associated endorsements given by a person authorized under § 61.41 (foreign and military).

Under this proposed section, a pilot would be required to gain a Category III pilot authorization in order to perform Category III operations, similar to the way a pilot is required to hold a Category II pilot authorization under the current rules to conduct Category II operations. Currently, only pilots operating under part 121, and authorized to perform Category III approaches, can perform those approaches. However, as discussed above, the technology is now available for aircraft operating under several parts of the FAR, including part 91, to conduct Category III approaches. This proposed section would recognize the advances in aircraft and airport navigation and guidance systems and would provide a means to authorize airmen to take advantage of them. The FAA believes that it is now safe to extend Category III authorizations to pilots operating under several parts of the FAR, so long as the pilots have demonstrated the ability to perform these operations and the aircraft is certified and equipped to perform Category III operations.

Section 61.4 Qualification and Approval of Flight Simulators and Flight Training Devices

Under this proposed section, flight simulators and flight training devices must be qualified and approved by the Administrator for training, testing, and checking. In addition, each particular maneuver, procedure, or crewmember function to be performed would be subject to the approval of the Administrator. Lastly, the Administrator must qualify and approve the representation of the specific category and class of aircraft, a particular variation within type of aircraft, or set of aircraft, in the case of some flight training devices.

Section 61.13 Application and Qualification

This section would be revised to permit the use of an authorized flight simulator or authorized flight training device for simulated instrument conditions. As discussed above, some airmen have expressed concern about the meaning of the current terms "simulated IFR conditions" or

"simulated instrument conditions." Because a hood and other view limiting devices are not the only means of artificially limiting visibility, this section would be changed to recognize that visibility may be artificially limited in flight simulators and flight training devices. In addition, proposed § 61.13(i) would require that a pilot hold a Category III pilot authorization prior to conducting a Category III operation. In view of the complexities and perils associated with Category III approaches, the FAA believes it is essential that a pilot demonstrate the capability to perform those approaches before conducting a Category III operation.

Section 61.21 Duration of Category II and Category III Pilot Authorizations

In addition to a change in the title, this section would be revised to provide that Category II and Category III pilot authorizations would expire 6 months after last issued or renewed. The FAA believes that this authorization should be renewed 6 months after issuance in order to ensure that a pilot has a continuing capability to perform Category III operations. The FAA believes that critical skills may be lost if not reviewed and retested within 6 months after being last demonstrated.

Section 61.39 Prerequisites for Flight Tests

A 60-calendar-day time limit for completion of all increments of the practical test (i.e., the oral increment, the flight simulator increment, and the flight increment) is proposed under this section.

In the event that the entire practical test were not completed within the prescribed 60 calendar days, an applicant would have to retake the entire practical test, including those increments satisfactorily completed more than 60 calendar days previously.

The FAA believes that all elements of this test must be satisfactorily completed within 60 days to ensure that all skills are current at the time the test is passed. If all skills being tested are not satisfactorily demonstrated within that period of time, the FAA believes that those not demonstrated may be lost (due to memory loss) before being retested.

Section 61.45 Flight Tests: Required Aircraft and Equipment

Paragraph (a) of this revised section would clarify that an applicant could use a flight simulator or a flight training device for those tasks of a practical test for which the flight simulator or flight training device has been approved.

Currently, under part 61 a flight simulator or flight training device may be used to demonstrate second-in-command qualifications and also may be used to train and test for the ATP certification test. However, currently this section does not clearly permit the use of flight simulators or flight training devices for practical tests.

Air carrier training and certification program and simulator exemptions have allowed flight simulators and flight training devices to be used to meet the testing requirements and flight experience requirements for ATP certification. Based on its evaluation of these exemptions and their results, the FAA believes that, under certain conditions, the entire flight increment of the practical test can be successfully performed in an approved flight simulator or flight training device. It further believes that all or part of the flight increment can be successfully performed in a flight simulator or flight training device for all certificates and ratings issued under this section. Accordingly, it is proposed to revise this section in order to permit this practice.

Section 61.51 Pilot Logbooks

This revised section would permit the logging of flight simulator and flight training device time by adding them to paragraph (b)(1)(iv), which currently permits logging of time in aircraft only. This section already provides for logging of instrument flight time in an aircraft. Paragraphs (b)(3)(iii) and (c)(4)(ii) would be revised to permit the logging of instrument flight time in an approved flight simulator or flight training device. Paragraph (b)(1)(ii) and (b)(2)(viii) would be revised to permit the logging of flight instruction in a flight simulator or flight training device. These revisions are needed to permit the logging of simulated flight time that is authorized by other sections of this proposal.

Proposed § 61.51(c)(5) provides that all time logged as instruction time must be certified by the authorized instructor from whom it was received. This proposal is intended to ensure that an applicant's logbook reflects all required instruction which was provided by an authorized instructor.

Section 61.55 Second-in-Command Qualifications

This proposed section would permit most second-in-command training, testing, and checking, for both airplanes and helicopters, to be demonstrated in a flight simulator if the demonstration is made in an approved course conducted by a training center certificated under proposed part 142. However, under

proposed § 61.55(b)(iv), initial second-in-command qualification tests for a particular category and class or type of aircraft would require at least one takeoff and one landing to be satisfactorily completed in an aircraft of that category, class, and type as applicable.

The FAA believes that some minimal experience with the category, class, and type of aircraft, if applicable, is required for those second-in-command applicants not previously qualified in any capacity in an aircraft requiring a crew of more than one person. With the exception of the takeoff and landing that would have to be performed in the aircraft, the FAA believes that, based on its evaluation of the results of training in flight simulators, the training, testing, and checking for second-in-command qualifications can be satisfactorily demonstrated in a part 142 training course that is subject to FAA approval.

Section 61.56 Flight Review

Under current § 61.56, the flight review can be performed only in an aircraft.

Proposed § 61.56(g) would permit the use of flight simulators or flight training devices for the flight review if: (1) The flight simulator or flight training device is approved by the Administrator for that purpose; and (2) the flight review is accomplished in an approved course conducted by an appropriately rated training center certificated under proposed part 142. All maneuvers that might be included in a flight review have been conducted in flight simulators under exemptions previously granted by the FAA. Based on its evaluation of the results, the FAA believes that the flight review can be successfully accomplished in an appropriate flight simulator or flight training device.

Currently, landing maneuvers, which likely would be required during a flight review, can be conducted only in a flight simulator qualified as Level B or higher. This is because an applicant can demonstrate landing capability in those simulators. Under proposed § 61.57(g)(3), however, the review could be accomplished in a Level A flight simulator or in a flight training device, provided that the Level A flight simulator or flight training device is qualified for all other maneuvers and procedures included in an approved flight review course and provided that the applicant is current in accordance with § 61.57(c). Therefore, under the proposed rule, the flight review could be conducted in a Level A simulator only if the applicant has previously demonstrated the capability to land the

aircraft during a flight review conducted in aircraft.

Section 61.57 Pilot in Command Currency

In addition to a change in the title of this section to indicate that it contains pilot-in-command currency requirements, the proposed revision to paragraph (c)(4) would permit airmen to accomplish required takeoffs and landings in a flight simulator qualified and approved by the Administrator for that purpose. The airman would have to accomplish the takeoffs and landings in an approved course conducted by a training center certificated under proposed part 142.

For night experience, § 61.57(d)(1) would require that the visual system of the authorized flight simulator be adjusted to represent the period from 1 hour after sunset to 1 hour before sunrise.

Also, under the proposal, paragraph (e) would be revised to permit pilots to meet instrument currency requirements in an approved flight simulator or flight training device.

Section 61.58 Pilot-in-Command Proficiency Check: Operation of Aircraft Requiring More Than One Required Pilot

FAA proposes to revise this section to permit airmen, under certain conditions, to accomplish required pilot-in-command proficiency checks entirely in a qualified and approved flight simulator. In addition, § 61.58(d) would allow several other practical tests to be credited toward the requirements for the required pilot-in-command proficiency check. Proposed § 61.58(f) would require that, in order to accomplish the recurrent check entirely in a flight simulator, the pilot must have performed the 12-and-24-month proficiency checks in an aircraft, as described in proposed § 61.58(a) (1) and (2). If the pilot were not current in accordance with § 61.58(a) (1) and (2), a portion of the check test would have to be accomplished in an aircraft.

If a flight simulator qualified as Level B or higher is not used to satisfy the requirements of proposed § 61.58, the pilot also would have to perform the landings required by proposed § 61.57 (c) and (d) in an aircraft, since only a Level B or higher flight simulator can be used for landing. If, because of limitations of the flight simulator used for a proficiency check, the pilot receiving the proficiency check cannot demonstrate proficiency in a required maneuver during the flight simulator increment of the proficiency check, § 61.58(e)(1) proposes that the omitted

maneuver be annotated in the pilot's training record. The pilot would be required to demonstrate proficiency in that maneuver to the Administrator before performing that maneuver as pilot in command.

For example, a proficiency check requiring circle-to-land maneuvers would have to be accomplished in a flight simulator equipped with a visual system that permits accomplishment of the circling approach task. If the flight simulator used is not qualified for circling approaches and the applicant does not demonstrate circling approaches at the training center, proposed § 61.58(e)(3) would require that the training center annotate the applicant's records with the statement, "Proficiency in circling approaches not demonstrated." In addition, proposed § 61.58(e)(2) would restrict the applicant from performing circling approaches as pilot in command, during conditions less than basic VFR weather minimums. This restriction would remain until proficiency in circling approaches in either an aircraft or a flight simulator qualified for circling approaches is demonstrated to a person authorized by the Administrator to conduct the required check.

Under exemptions granted by the FAA, and pursuant to approved air carrier training programs, pilot-in-command proficiency checks have been performed for years in approved flight simulators. The FAA has evaluated the performance of pilots who have received their flight checks in this manner. Based on this evaluation, it believes that these required checks can be successfully performed in an approved flight simulator.

Section 61.63 Additional Aircraft Ratings for Other Than Airline Transport Pilot Certificate (for Parts 121 and 135 use Only)

The FAA proposes to revise this section to make it applicable only to applicants who are pilot crewmember employees of a part 121 or part 135 certificate holder. This section would continue to set forth the requirements for adding additional aircraft ratings to pilot certificates other than ATP certificates. The requirements for adding additional aircraft ratings to ATP certificates are addressed in existing § 61.157.

The FAA proposes to create new §§ 61.64 and 61.158. These proposed sections contain requirements for airmen other than pilot crewmember employees of part 121 certificate holders and part 135 certificate holders. Section 61.158, for example, would provide for

additional ratings for ATP certificate holders who are not applying as aircrew employees of air carriers.

These proposed revisions are clarifying in nature. They would make clear which requirements are applicable to aircrew employee applicants of air carriers and which are applicable to other applicants.

In addition, under the proposed sections, required flight instruction and testing could be performed in qualified and approved flight simulators and flight training devices.

Section 61.64 Additional Aircraft Ratings for Other Than Airline Transport Pilot Certificates (for Other Than Parts 121 and 135 use)

Under this proposed section, an applicant for any additional rating would have to comply with the requirements applicable to the class and category for which the rating is sought. For example, an applicant who holds a commercial pilot certificate with a rotorcraft category rating and a helicopter class rating, and who is seeking a particular airplane type rating, would have to satisfy the requirement for the airplane category rating and class rating (such as a multiengine land class rating) sought.

Under this proposed section, an applicant for an additional rating could obtain the training for that rating in a flight simulator if the training is given in an approved course conducted by a training center certificated under proposed part 142. This practice has been permitted for years pursuant to exemptions granted by the FAA, and the training received has proven to be effective.

Section 61.65 Instrument Rating Requirements

References in the current rule to the terms such as "instrument ground trainer" and "airborne ILS simulator" are outdated and, therefore, would be deleted. The requirements of this section could be met in a flight simulator or flight training device, provided that the flight training device or flight simulator is qualified and approved by the FAA for the rating for which application is made.

Proposed § 61.65(e)(2)(ii) would allow the 20 hours of instrument instruction by an authorized instructor in a flight simulator or flight training device, currently allowed under part 61, to be increased to 30 hours of instruction in a flight simulator or flight training device if the instruction is accomplished in an approved course conducted by a training center certificated under proposed part 142. The FAA believes

that this increase is justified because the instruction would be conducted pursuant to an FAA-approved course that would prevent unneeded duplication of some tasks and the omission of others, and that would provide continuity of training.

For similar reasons, this section would be revised to permit the total pilot aeronautical experience requirement for the instrument rating to be reduced from 125 hours of pilot flight time as currently required by § 61.65(e)(1) to 95 hours of pilot flight time, which could include 35 hours of simulated or actual instrument flight time if the entire instrument curriculum were accomplished under an approved part 142 course.

A provision would be added that would permit a part 142 certificate holder to give a student an instrument rating if that student has fewer than the 95 hours of pilot flight time and fewer than the 35 hours of simulated or actual instrument experience time currently required. However, in order to gain this privilege, the training center would be required to demonstrate that it can provide proper training in fewer hours than currently required. To accomplish this, it would have to propose a method of tracking graduates and collecting data to validate training program effectiveness. Data to be tracked to point to program effectiveness might include incidents, accidents, hours flown, and type of flying. Training centers would have to present historical data covering at least 1 year (or other period of time approved by the Administrator) before it could be granted a reduction in the minimum hours prescribed in this proposed section. Data covering performance over this period of time is considered necessary to properly evaluate student performance. Data covering a shorter term would not be sufficient to allow the FAA to evaluate performance during varying seasonal conditions.

Section 61.67 Category II Pilot Authorization Requirements

This section would be revised to permit the use of a flight simulator or flight training device to meet Category II pilot authorization requirements. The 25 hours of instrument flight time currently allowed in a flight simulator could be increased to 40 hours if the training is accomplished in an approved course conducted by a training center certificated under proposed part 142. In addition, the requirement for 50 hours of night flight time under VFR conditions as pilot in command would be changed to 50 hours of night flight time as pilot in command regardless of the weather conditions or flight rules observed

during those hours. This revision would correct an apparent error, namely, the requirement that the 50 hours be flown under VFR conditions. As revised, this section would permit this requirement to be met under either VFR or IFR conditions.

Section 61.68 Category III Pilot Authorization Requirements

This new section would set forth the requirements for Category III approaches. The requirements could be demonstrated in a qualified flight simulator or qualified flight training device approved as part of a course conducted by a training center certificated under proposed part 142.

Section 61.109 Airplane Rating: Aeronautical Experience

Credit for instruction received in approved flight simulators and approved flight training devices would be authorized under this proposed section. Currently, 20 hours of flight instruction are required, and all of that instruction must be received in an airplane. The flight instruction received in a flight simulator or flight training device would have to be accomplished in a flight simulator or flight training device representing an airplane.

Under this proposed section, a maximum of 2.5 hours of flight simulator or flight training device instruction from an authorized instructor would be creditable toward the 20 hours of flight instruction required for a private pilot certificate. The 2.5 hours of instruction time could be increased to 5 hours of instruction in a flight simulator or flight training device, provided the instruction is accomplished in an approved course conducted by a training center certificated under proposed part 142.

Current § 61.109 requires at least 40 hours of flight instruction and solo flight time. Under this proposed section, the 40 hours of aeronautical experience could be reduced to 35 hours provided that the entire private pilot curriculum is accomplished under an approved part 142 course.

The 35 hours of aeronautical experience could be further reduced under paragraph (i) of this proposed section if the applicant completes an approved private pilot course and if the Administrator determines that a further reduction is appropriate based on data validating training program effectiveness. Data to be tracked to point to program effectiveness might include incidents, accidents, hours flown, and type of flying. Training centers would have to present historical data covering at least 1 year of student

performance before a further reduction could be considered.

Section 61.113 Rotorcraft Rating: Aeronautical Experience

Under current § 61.113 an applicant for a private pilot certificate with a rotorcraft category rating must have at least 40 hours of flight instruction and solo flight time in aircraft. Instruction in flight simulators or flight training devices currently is not authorized.

Proposed § 61.113 would authorize credit for instruction received in flight simulators and flight training devices approved by the Administrator. To be credited, however, the instruction would have to be accomplished in a flight simulator or flight training device representing a rotorcraft. Unless accomplished in a proposed part 142 training center, a maximum of 2.5 hours of flight simulator or flight training device instruction from an authorized instructor would be creditable toward the total aeronautical experience requirement for the private pilot certificate.

Proposed § 61.113(a)(3) would increase the 2.5 hours of instruction time to 5 hours, provided the instruction is accomplished in an approved course conducted by a training center certificated under proposed part 142.

In addition, revised § 61.113(e) would permit the total aeronautical experience requirement for the private certificate to be reduced to 35 hours if the entire private curriculum were accomplished under an approved part 142 course. A provision to allow a further reduction is included in paragraph (e) of this proposed section. The Administrator could approve a further reduction based on the considerations discussed above under proposed § 61.109(i).

Section 61.129 Airplane Rating: Aeronautical Experience

Under current § 61.129(b), an applicant for a commercial pilot certificate with an airplane rating must have at least 250 hours of flight time as a pilot, which may include not more than 50 hours of instruction in a ground trainer acceptable to the Administrator.

Under proposed § 61.129(b)(1)(ii), up to 100 hours of flight simulator instruction or flight training device instruction may be credited toward the 250 hours of total flight time if the instruction is accomplished in an approved course conducted by a training center certificated under proposed part 142. To be credited toward the total flight time requirement for a commercial pilot certificate, flight simulator or flight training device instruction received would have to be

accomplished in a flight simulator or flight training device representing an airplane.

In addition, proposed § 61.129(c) would permit the total flight time for the commercial certificate to be reduced to 190 hours if the entire commercial curriculum were accomplished in an approved course conducted by a training center certificated under proposed part 142.

Several years ago, the 250-hour total flight time requirement of part 61 was reduced to 190 hours if the applicant for a commercial pilot certificate received his or her training for that certificate from a pilot school certificated under part 141. This reduction was authorized because these schools offer FAA-approved training programs which use a building-block approach and provide continuity of training. Based on its evaluation of the results, the FAA believes that 190 hours of flight time has proven to be adequate and safe under these circumstances.

Since training centers certificated under part 142 would offer advanced simulation training, and because of demanding course approval criteria and rigorous oversight of part 142 training centers, the FAA believes that the total flight time required for a commercial pilot certificate may be reduced even below 190 hours, if the applicant receives his or her training from a training center certificated under proposed part 142.

Accordingly, a provision to allow further reduction of the 190 hours, based on a demonstrated ability to accomplish training requirements in less time, is set forth in proposed § 61.129(c). The Administrator could approve a further reduction based on the considerations discussed above under proposed § 61.109(i).

Section 61.131 Rotorcraft Rating: Aeronautical Experience

Under current § 61.131, an applicant for a commercial pilot certificate with a rotorcraft category rating must have at least 150 hours of flight time, including at least 100 hours in powered aircraft, 50 hours of which must be in a helicopter.

Under this proposed section, the applicant could obtain 35 hours of credit toward the 150 hour flight time requirement in a flight simulator or flight training device, or a credit of up to 50 hours of the total required flight time in a flight simulator or flight training device if the flight simulator time or flight training device time is obtained from a training center certificated under proposed part 142. There is no current provision for crediting flight simulation time toward this rating. To be credited

toward the 150-hour flight time requirement, flight simulator or flight training device instruction received would have to be accomplished in a flight simulator or flight training device representing a rotorcraft.

A provision to allow a further reduction of the 150-hour flight time requirement, based on demonstrated ability to accomplish training requirements in less time, would also be added under this proposed section. The Administrator could approve a further reduction based on the considerations discussed above under proposed § 61.109(i).

Section 61.155 Airplane Rating: Aeronautical Experience

Under current § 61.155(b)(2), an applicant for an airline transport pilot certificate with an airplane rating must have had at least 1,500 hours of flight time as a pilot, including, among other things, at least 75 hours of actual or simulated instrument time, at least 50 hours of which were in actual flight. Since 50 hours must have been in actual flight, up to 25 hours could be obtained in a simulator.

Under this proposed section, the 25 hours of simulated instrument time currently allowed could be increased to 50 hours if accomplished in an approved course conducted by a training center certificated under proposed part 142. To be credited toward the total flight time requirement, flight simulator or flight training device instruction received would have to be accomplished in a flight simulator or flight training device representing an airplane.

Section 61.157 Airplane Rating: Aeronautical Skill (for Parts 121 and 135 use Only)

The FAA proposes to revise this section to make it applicable to applicants for an ATP certificate (with an airplane rating) who are pilot crewmember employees of an air carrier certificated under part 121 or part 135. The FAA proposes a new § 61.158 that would apply to other applicants, as discussed below.

Section 61.158 Airplane Rating: Aeronautical Skill (for Other Than Parts 121 and 135 use)

This proposed new section contains the broad areas of skill requirements for an ATP certificate with a single-engine or multiengine class rating or type rating for applicants who are not participants in an air carrier training program. An applicant for any added rating would have to comply with the requirements for that rating. For example, an

applicant who holds an ATP certificate with a rotorcraft category rating and a helicopter class rating, and who is seeking a particular airplane type rating, would have to satisfy the requirement for the airplane category and multiengine land class ratings.

Under paragraph (c) of this proposed section, an applicant for an ATP certificate (other than an air carrier employee) with a single engine or multiengine class rating or type rating may perform the tasks required for these ratings in an approved flight simulator or flight training device. However, the flight simulator or flight training device could not be used to perform those tasks unless the applicant uses them as part of an approved course conducted by a training center certificated under proposed part 142. The FAA believes that the required tasks for these ratings can be satisfactorily demonstrated in a flight simulator or flight training device used by a training center. These tasks currently are being successfully demonstrated by simulation under exemptions.

Proposed § 61.158(a)(2) would incorporate Amendment No. 61-90 (56 FR 11326; March 15, 1991) which adopted certain requirements for an ATP certificate with single-engine or multiengine class rating or type rating. The required areas of operation are set forth in this proposed section rather than in an appendix.

Section 61.161 Rotorcraft Rating: Aeronautical Experience

Under current § 61.161(b), an applicant for an ATP certificate with a rotorcraft category and helicopter class rating must have at least 1,200 hours of flight time as a pilot, including 75 hours of instrument time, 25 hours of which may be simulated instrument time in a flight simulator or flight training device.

The 25 hours of simulated instrument flight time allowed under this section could be increased to 50 hours if accomplished in an approved course at a training center certificated under proposed part 142. To be credited toward the total flight time requirement, flight simulator or flight training device instruction would have to be accomplished in a flight simulator or flight training device representing a rotorcraft.

Section 61.163 Rotorcraft Rating: Aeronautical Skill

Under current § 61.163, an applicant for an ATP certificate with a rotorcraft category and helicopter class rating, or additional aircraft rating, must pass a practical test on certain maneuvers in a helicopter.

This proposed section would permit an airman to perform the practical test showing competence in the skill areas set forth in this section in either a helicopter, a flight simulator, or flight training device used as part of an approved course conducted by a training center certificated under proposed part 142.

Simulator exemptions have allowed flight simulators to be used for all or part of the pilot certification tests for several years. Based on its evaluation of the results, the FAA believes that the required maneuvers can be satisfactorily demonstrated in an approved flight simulator. Flight training devices are included in the proposal to allow the possibility that a flight training device may be developed and qualified for all or part of the maneuvers that must be demonstrated during this practical test.

Section 61.169 Instruction in Air Transportation Service

This section would require that airline transport pilots giving instruction in Category II or Category III operations be trained and checked in Category II or Category III operations, as applicable.

Section 61.187 Flight Proficiency

The proposed change to paragraph (a) of this section would permit an applicant for the flight instructor certificate to receive the required instruction for a flight instructor certificate in a flight simulator or flight training device used as part of an approved course conducted by a training center certificated under proposed part 142. At present, there is no provision for accomplishing the practical test in anything other than an aircraft.

The FAA believes that the subject areas can be effectively taught and learned in a structured course that includes ground instruction and simulation. Although the required instruction has not been accomplished previously in a flight simulator pursuant to exemptions, the FAA nevertheless believes that it can be successfully accomplished in an approved flight simulator or flight training device.

Section 61.191 Additional Flight Instructor Ratings

This section would permit an airman to accomplish the required practical tests for these ratings in a flight simulator or flight training device used as part of an approved course conducted by a training center certificated under proposed part 142. At present, there is no provision for accomplishing the practical test in

anything other than an aircraft. The FAA believes that the test can be effectively accomplished and evaluated in an approved flight simulator or flight training device.

Section 61.195 Flight Instructor Limitations

This section would be revised to require flight instructors giving instruction in Category II or Category III operations to be trained and checked in Category II or Category III operations, as applicable. The FAA believes that this measure is necessary in order to ensure that flight instructors are qualified in the subjects that they teach.

Section 61.197 Renewal of Flight Instructor Certificates

This section would be amended to permit an applicant for renewal of a flight instructor certificate to conduct the required practical test in a flight simulator or flight training device in an approved course conducted by a training center certificated under proposed part 142. At present, there is no provision for accomplishing the practical test in anything other than an aircraft. The FAA believes that the practical test can be effectively accomplished and evaluated by using simulation.

Appendix A to Part 61

The FAA proposes that appendix A to part 61 be retitled to read "Practical Test Requirements For Airplane Airline Transport Pilot Certificate and Associated Class and Type Ratings (For part 121 and part 135 Use Only)." Practical testing standards for applicants other than aircrew employees of part 121 and part 135 operators are specified in proposed § 61.158. This change is largely editorial in nature, and is necessary due to the proposed revisions to § 61.157 that are discussed above.

Integration of Appendix B to Part 61 Into Practical Test Standards

The FAA proposes to delete appendix B to part 61. That appendix contains the practical test requirements for rotorcraft ATP certificates with a helicopter class rating and associated type ratings. The use of Practical Test Standards (PTS) has essentially rendered Appendix B obsolete. The FAA used the PTS for several years to detail those areas of operation subject to testing for certificates and ratings. The PTS lists the specific tasks, conditions, and performance standards required to demonstrate competence.

Appendix B would no longer be necessary since proposed § 61.163 sets forth the broad areas of operations that contain maneuvers and procedures that would have to be demonstrated by an applicant for an airline transport pilot certificate with a rotorcraft category and helicopter class rating or a type rating.

Sections 61.65, 61.67, 61.109, 61.113, 61.129, 61.131, 61.155, 61.161 Flight Simulator and Flight Training Device Authorizations

Figure 1, included in the **SUPPLEMENTARY INFORMATION**, compares flight simulator and flight training device authorizations currently allowed under part 61 to proposed flight simulator and flight training device authorizations. Expanded flight simulator and flight training device credit would be permitted under approved courses of training conducted by a training center certificated under part 142. Airmen may gain maximum credit for the use of flight simulators and flight training devices by completing entire curricula at training centers.

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FLIGHT HOUR SUMMARY - FLIGHT SIMULATOR AND FLIGHT TRAINING DEVICE AUTHORIZATION

Figure 1

Rating or Authorization	Current FAR Reference	NPRM FAR Reference	Current Requirement (See Note 1)	NPRM Requirement (See Note 2)	
				Basic and with simulator training completed at training center	Entire curriculum completed at training center (See Notes 3 and 4)
Instrument	61.65	61.65	(1) 125 hrs. flight time including 50 hrs. PIC cross country (2) 40 hrs. actual or simulated instrument time including maximum of 20 hrs. in simulator (3) 15 hrs. instrument flight time including at least 5 hrs. in airplane or helicopter	(1) Same (2) Same, except 20 hrs. in simulator increased to 30 hrs. (3) Same	95 hrs. flight time including maximum of 35 hrs. of simulated or actual instrument time
Category II Pilot Authorization	61.67	61.67	(1) 50 hrs. night flight time, VFR, as PIC (2) 75 hrs. instrument time including maximum of 25 hrs. in simulator (3) 250 hrs. of cross country as PIC	(1) Same (2) Same, except 25 hrs. in simulator increased to 40 hrs. (3) Same	As approved by the Administrator
Category III Pilot Authorization		61.68		(1) 50 hrs. of night flight time as PIC (2) 75 hrs. instrument time including maximum of 25 hrs. in simulator (may be increased to 40 hrs.) (3) 250 hrs. cross country as PIC	As approved by the Administrator
Private Pilot Airplane	61.109	61.109	(1) 40 hrs. of flight instruction (2) 20 hrs. solo flight	(1) Same except new basic authorization of 2.5 hrs. in simulator, with increase to 5 hrs. (2) Same	35 hrs. flight time in aircraft or simulator
Private Pilot Rotocraft	61.113	61.113	40 hrs. flight time	Same, except new basic authorization of 2.5 hrs. in simulator, with increase to 5 hrs.	35 hrs. flight time in aircraft or simulator
Commercial Pilot Airplane	61.129	61.129	250 hrs. flight time including maximum of 50 hrs. in simulator	Same, except 50 hrs. simulated time increases to 100 hrs.	190 hrs. flight time in airplane or simulator
Commercial Pilot Rotocraft, Helicopter	61.131	61.131	150 hrs. flight time including 50 hrs. in helicopter	Same, except new basic authorization of 50 hrs. in simulator, including 35 hrs. of helicopter in simulator	150 hrs. flight time in helicopter or simulator
ATP Airplane	61.155	61.155	1,500 hrs. flight time including maximum of 25 hrs. in simulator	Same, except 25 hrs. in simulator increases to 50 hrs.	As approved by the Administrator
ATP Rotocraft	61.161	61.161	1,200 hrs. flight time including maximum of 25 hrs. in simulator	Same, except 25 hrs. in simulator increases to 50 hrs.	As approved by the Administrator

Notes: (1) Current regulation refers to simulator time as "instrument ground trainer" or "synthetic trainer," or "ground trainer."

(2) All simulator time must be in a "flight simulator" or "flight training device" in NPRM

(3) Flight time hours, including simulator time, may be reduced by the Administrator when Part 142 training center requests reduction and provides evidence that training can be satisfactorily accomplished in fewer hours

(4) The requirements for the issuance of certificates or ratings will be contained in the training center's curriculum, as approved by the Administrator.

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Part 91

Section 91.191 Category II and Category III Manual

In this proposed section, the title would be changed to include Category III manuals. The text would set forth the proposed requirements for Category III manuals for civil aircraft conducting those operations. This section has specified the requirements for a Category II manual for several years. This proposed section would provide similar information to those operators desiring to conduct Category III operations. At present, there is no regulatory guidance for part 91 operators who might anticipate Category III operations.

Section 91.205 Powered Civil Aircraft With Standard Category U.S. Airworthiness Certificates: Instrument and Equipment Requirements

This revised section would include reference to instrument and equipment requirements for Category III operations. The discussion under proposed § 91.191 applies to this proposal as well.

Part 121

Section 121.1 Applicability

This section would be amended (after 2 years from the effective date of part 142) to be made applicable to all persons who train, check, or qualify air carrier personnel. This would include, among others, instructors authorized under SFAR 58.

Section 121.400 Applicability and Terms Used

This section would be amended to require a part 121 certificate holder to obtain part 142 certification in order to train persons other than employees of the certificate holder. However, part 121 certificate holders operating under an exemption to provide training for crewmembers, aircraft dispatches, or personnel other than those employed by the certificate holder, and training facilities operating under an exemption to part 121 to provide training for a part 121 certificate holder, would be given 2 years from the effective date of the amendment based on this NPRM to obtain certification under part 142.

Subpart N of part 121 requires an air carrier subject to that part to have a training program for its employees subject to that part. The FAA proposes that all training provided to air carriers by trainers other than an air carrier training its own aircrew employees, as required by subpart N, be provided by a training center certificated under part 142.

At present, there is no regulatory provision for such training; however, there are exemptions permitting training of air carrier aircrew employees by other air carriers and by training entities that are not air carriers. This proposed change would replace those exemptions. The training currently provided by one carrier for another tends to emphasize tasks that are tailored to suit the unique needs of the carrier providing the training. This training may not be entirely suitable or effective to meet the unique needs of other carriers. Therefore, the FAA believes that crewmembers and others employed by part 121 certificate holders (other than their own) should be given standardized training that would prepare them to perform their functions effectively (without a need for retraining) for any carrier. The FAA believes that the training standards contained in proposed part 142 are sufficiently comprehensive to accomplish this purpose.

The FAA also believes that a part 121 certificate holder that trains crewmembers and other personnel (other than its own) is conducting a function that is both unrelated to its primary function—the carriage of passengers for compensation or hire—and significant enough to warrant certification as a separate function. Accordingly, under the proposed rules, a part 121 certificate holder would have to obtain certification as a part 142 training center in order to train the employees of other carriers.

These rules propose a 2-year grace period to permit part 121 certificate holders to make necessary arrangements in order to obtain part 142 certification. This 2-year period would also provide the FAA sufficient time to review and approve applications for certification under the new part.

Section 121.401 Training Program: General

This section would be amended to require that operators subject to this part provide or require a used training center to provide certain training and evaluation personnel, facilities, and courseware and to make competency certification. Under paragraph (c) of this proposed section, instructors and others would have to certify to the competency of crewmembers and others whom they have trained or checked. These provisions would ensure that a training center providing training to an air carrier would meet the same standards in these areas that the air carrier currently is required to meet.

Section 121.402 Training Program: Special Rules

Under this proposed section, a part 121 certificate holder could provide training, testing, and checking services to others by contract. To provide these services, the certificate holder would have to hold appropriate ratings and specifications issued under part 142 and would have to meet certain other requirements. This proposed section should promote the use of training centers. It also clarifies that an air carrier does not have to repeat the training program elements for which it contracts.

Section 121.403 Training Program: Curriculum

This section would be amended to require that each certificate holder include in each curriculum a list of flight simulators and flight training devices that will be used in that curriculum, and a list of maneuvers, procedures, and functions approved for each flight simulator and flight training device.

Section 121.405 Training Program and Revision: Initial and Final Approval

This section would be amended to allow an air carrier to arrange with a training center for required training before the carrier's training program is given final approval by the FAA. The FAA believes that the standards set forth in proposed part 142 are comprehensive and appropriate for the training needs of all air carriers. Accordingly, it believes that training can commence by contract with a certificated training center before the carrier's training program is given final approval.

Section 121.407 Training Program: Approval of Flight Simulators and Other Training Devices

This section would be amended to specify that a flight simulator or flight training device used in a training program approved under this part must be used to satisfy the requirements of the certificate holder's low-altitude windshear training program that is required by § 121.409(d). This proposed section would allow a training center to conduct this training, and it would allow an air carrier to use a training center to satisfy this requirement.

Section 121.431 Applicability

This section would be amended to permit training centers to provide testing and checking services by contract or otherwise to persons subject to the requirements of part 121.

Section 121.432a Training, Testing, and Checking Conducted by Training Centers: Special Rules

This proposed new section would provide a means for crediting the training, testing, and checking conducted under part 142 toward the requirements of part 121.

Section 121.439 Pilot Qualification: Recent Experience

This section would be amended to indicate that pilot aircrew members may accomplish recency of experience requirements in certain flight simulators, and that evaluators who are employed by a training center certificated under part 142 may observe the required takeoffs and landings and certify that the person observed is proficient. This same function has been successfully performed by evaluators of part 121 training programs.

Section 121.441 Proficiency Checks

This section would be amended to permit required proficiency checks to be given by a pilot evaluator who is authorized to give the checks under proposed part 142.

Part 121, Appendix H. This appendix would permit advanced simulator training to be conducted by training centers certificated under part 142. Under this appendix, holders of advanced simulation plans would have to ensure that all instructors and evaluators would have to participate in either an approved regularly scheduled line-flying program or an approved line-observation program.

Part 121, Appendix I, paragraph III. Employees who must be tested. This appendix would be revised to include persons performing simulated flight instruction.

Part 125

Section 125.285 Pilot Qualifications: Recent Experience

The term "visual simulator" would be changed to "qualified and approved flight simulator." "Visual simulator" is an obsolete term.

Section 125.296 Training, Testing, and Checking Conducted by Training Centers: Special Rules

This section would be added to permit a crewmember to credit the training, testing, and checking received under part 142 toward the training, testing, and checking required by part 125.

Section 125.297 Approval of Flight Simulators and Flight Training Devices

The title of this section would be changed from "Approval of airplane

simulators and other training devices" to the title indicated above. The terminology used in the new title is consistent with that used elsewhere in these proposed rules.

This section also would permit the performance of required checks in flight simulators and flight training devices used by training centers certificated under part 142.

Part 135

Section 135.1 Applicability

This section would be amended to be made applicable to (after 2 years from the effective date of part 142) part 142 certificate holders who, by contract or otherwise, train, check, or qualify air carrier personnel.

Section 135.291 Applicability

This section would be amended by adding a subparagraph (2) enabling training centers to provide the testing and checking requirements of subpart G.

Section 135.292 Training, Testing, and Checking Conducted by Training Centers: Special Rules

A new § 135.292 would be added to permit a crewmember who completes training, testing, or checking under part 142 to credit the completed training, testing, or checking toward that required by part 135.

Section 135.293 Initial and Recurrent Pilot Testing Requirements

This section would be revised to include the term "pilot evaluator", to facilitate the use of this position in training centers.

Section 135.297 Pilot in Command: Instrument Proficiency Check Requirements

This section would be revised to include reference to a training center pilot evaluator, as discussed in § 135.293.

Section 135.299 Pilot in Command: Line Checks: Routes and Airports

This section would be revised to include reference to a training center pilot evaluator, as discussed for the two previous sections.

Section 135.321 Applicability and Terms Used

This section would be revised to require part 135 certificate holders to obtain a part 142 certificate in order to train persons other than their own aircrew employees. However, a part 135 certificate holder operating under an exemption to provide training for crewmembers, aircraft dispatchers, or other personnel other than those

employed by the certificate holder, would be given 2 years from the effective date of the amendment based on these proposed rules to obtain certification under proposed part 142. The basis for this proposed rule is discussed above under § 121.400.

Section 135.323 Training Program: General

This section would be revised to allow the use of a training center to accomplish the requirements of the training program.

Section 135.324 Training Program: Special Rules

A new paragraph would be added to this section to permit a certificate holder to use a training program conducted in accordance with an approved course conducted by a rated training center certificated under proposed part 142 to satisfy the training program requirements of Part 135 in order to prevent duplication of training facilities, recordkeeping, etc. The rationale is the same as discussed under § 121.402.

Section 135.325 Training Program and Revision: Initial and Final Approval

This section would be revised to allow a training center to begin training by contract or other arrangement upon initial approval of a training program for the air carrier certificate holder.

Section 135.327 Training Program: Curriculum

This section would be revised by adding a new subparagraph to provide that flight simulators and flight training devices used in a curriculum would have to be listed in each approved curriculum.

Part 141

Section 141.26 Training Agreements

This proposed new section would be added to permit training arrangements between pilot schools certificated under existing part 141 and training centers certificated under proposed part 142. This arrangement would provide a means for pilot schools to benefit from simulation training at certificated training centers, and would provide a means for training centers without aircraft to offer prospective students training programs that include aircraft flight time. A more detailed discussion is set forth below under § 142.33.

Part 142

Subpart A

Proposed part 142 would have a general subpart, subpart A, which sets

forth the proposed requirements necessary to obtain and maintain certification as a part 142 training center.

Section 142.1 Applicability

This section specifies the training to which part 142 applies and that to which it does not apply.

Section 142.3 Definitions

This proposed section defines terms used in part 142.

Section 142.5 Certificate and Training Specifications Required

This proposed section would provide that no person may operate a training center without a training center certificate and training specifications, as described by this proposed part. Paragraph (b) further provides that a training center certificate applicant would be issued a training center certificate and training specifications if the applicant complies with the applicable sections of proposed part 142.

Section 142.7 Duration of a Certificate

Under this proposed section, a training center certificate would have no expiration date, but it may be suspended, revoked, or otherwise terminated by the Administrator. Further, under paragraph (b) of this proposed section, a certificate holder would have to return its certificate to the Administrator if that certificate is suspended, revoked, or terminated. The FAA believes that these provisions are necessary to ensure compliance with part 142 requirements.

Section 142.9 Deviations or Waivers

This proposed section would establish deviation and waiver procedures. The FAA believes that provisions should be included to permit deviations from, and waivers of, part 142 rules under appropriate circumstances.

Section 142.11 Training Center Ratings

This proposed section would require that, in addition to a training center certificate, a training center certificate holder would have to obtain a rating to conduct each course of training. This proposed requirement is similar to requirements for part 141 Pilot Schools. Since each training course is unique and tailored to a specific need, the FAA believes that each course should be evaluated and rated separately.

Section 142.13 Application for Issuance or Amendment

Paragraph (a) of this proposed section would require that an application for a training center certificate would have to

be made on a form and in a manner prescribed by the Administrator. The FAA believes that this proposed requirement is necessary in the interest of standardization and would expedite application processing. Paragraph (a)(3) proposes timeframes that have been found necessary for processing similar applications.

Paragraph (b) proposes that each application provide information about, but not limited to, each management position, facilities, recordkeeping, and curriculum of the proposed training center. The FAA has found that these items of information are necessary in order for it to properly evaluate the capabilities of proposed air agencies.

Proposed paragraph (c) would require that facilities actually be in place at the time of application, and not simply planned or expected. This proposed requirement is intended to preclude expenditure of FAA resources on frivolous or tentative plans that may never come to fruition due to changed business plans. It would also permit the FAA to evaluate actual facilities rather than those that are merely planned and subject to later change. The FAA believes that these proposals are necessary in order to conserve public resources and in order to maintain the highest standard of facilities in training centers.

Paragraph (d)(2) of this proposed section outlines the content of proposed training specifications. This is a new concept for training entities, but experience with similar "operating specifications" issued to air carrier certificate holders has shown that the procedure should allow maximum administrative convenience. The FAA believes that training specifications will be stored by training centers in an automated data base. If so, they can easily and rapidly be accessed for revision and review by the FAA when the center desires to add a new training program or amend an existing one.

Paragraph (e) proposes circumstances, such as the submission of inaccurate information, that could lead to the denial, suspension, or revocation of a training center certificate. The FAA believes that this proposed section is needed to ensure that training centers employ properly qualified persons and meet the standards for the certification and operation of training centers.

Proposed paragraph (f) would establish administrative procedures under which the Administrator might amend a training center certificate. Such an amendment may be necessary, for example, to add a satellite training center to a certificate.

Section 142.15 Management and Personnel Requirements

Under this proposed section, a training center would have to show that it has and maintains a sufficient number of qualified instructors, evaluators, and management personnel competent to perform required duties. The FAA needs this information, along with the other information required by this part, to approve applications for certification under part 142.

Section 142.17 Facilities

Paragraph (a) of this proposed section would require a training center applicant to establish and maintain facilities designed to accommodate the type of training, testing, and checking it plans to conduct. The proposed requirements for facilities are designed to ensure a high quality learning environment. Under § 142.17(b)(3) of the proposed rule, a training center would have to establish and maintain a principal business office that may not be shared with a part 121, 135, 141, or 142 certificate holder. The purpose of this proposal is to prevent co-mingling of records, facilities, students, and instructors. Co-mingling is considered undesirable because different standards apply to entities certificated under these several parts.

Under proposed § 142.17(c), the principal business office could not have a mailing address that is a post office box only. The FAA cannot properly evaluate the performance of entities that use a post office box as an address, but seem to have no geographically-fixed base of operations. The principal business office could be located outside the United States.

Under paragraph (b)(2) of § 142.17, records required by part 142 would have to be kept at the principal business office. This proposed rule would permit the FAA to locate and periodically review records in order to determine compliance with part 142 standards.

Training centers certificated under proposed part 142 would be permitted to provide ground instruction as well as training in flight simulators, flight training devices, and aircraft; however, in order to be certificated under proposed part 142, a training center would be required to own or lease at least one FAA-approved flight simulator. The FAA believes that flight training in aircraft and in flight training devices is adequately covered by Part 141 Pilot Schools and that the primary emphasis of part 142 training centers will be training with flight simulators. In order to ensure the availability of proper

equipment, therefore, the FAA believes that a training center should own, or have a lease for, at least one flight simulator. Under proposed § 142.17(e), a satellite training center could be located within or outside the United States; however, a satellite training center located outside the United States would have limited privileges, as described under § 142.20.

Section 142.19 Satellite Training Centers

Under proposed § 142.19(a), training centers would be permitted to establish satellite training centers. A satellite training center might be a geographically separate facility, and would not be required to have separate management personnel. Under proposed § 142.19(a)(1), however, a satellite training center would have to meet the facility, equipment, personnel, and course curriculum requirements of §§ 142.39 or 142.77, or both, of proposed part 142. The purpose of these proposed satellite centers is to facilitate the establishment of additional training centers in areas where a demand for them develops. These additional centers could be located within or outside the continental United States.

As proposed in § 142.19(a)(3), a satellite training center may provide training, testing, and checking in accordance with the training center certificate holder's training specifications, provided the FAA has been notified at least 60 calendar days prior to the proposed commencement of operations at the satellite training center. Sixty calendar days is considered the minimum time necessary to process the application for a certificate and for the training specifications.

Under proposed § 142.19(a)(4) and (b), a training center certificate holder's training specifications would have to reflect the name and address of the satellite training center and the approved courses to be offered at the satellite training center, to allow FAA surveillance.

Section 142.20 Foreign Training Centers: Special Rules

Under proposed § 142.20(b), a satellite training center located outside the United States could issue United States pilot certificates to United States citizens only and could add ratings and endorsements to all pilot certificates issued by the FAA. For example, in proposed § 142.20(b), a person who is not a United States citizen, but who has an FAA-issued private pilot certificate with an airplane single-engine land rating, could add to that private pilot

certificate an instrument rating, a multiengine rating, a single-engine or multiengine sea rating, or a rotorcraft rating. However, this proposed section would not permit that person to train or test for a commercial pilot certificate or an ATP certificate. The FAA believes that the above restriction is appropriate, since it would be improper for the FAA to award pilot certificates to citizens of another country within that country.

Section 142.21 Prohibited Drugs

A training center would be subject to the requirements of an anti-drug program, as described in appendix I to part 121, and the drug testing requirements associated with such a program. The proposed requirements are consistent with anti-drug regulations of other parts of the FAR that were developed in response to concerns about the degradation of safety that has been shown to be attendant to illicit drug use. In addition, a training center certificate holder that permits any aircraft owned or leased by it to be engaged in any operation that the certificate holder knows to be in violation of § 91.12 of the FAR, "Carriage of narcotic drugs, marijuana, and depressant or stimulant drugs or substances," could lose its certification.

Section 142.23 Testing for Prohibited Drugs

The purpose for this proposed section is the same as that discussed above under § 142.21.

Section 142.25 Refusal To Submit to a Drug Test

The comments under the summary for § 142.21 apply to this section.

Section 142.27 Display of Certificate

This proposed section would require a training center to prominently display its certificate and to make it available upon request by the FAA. The FAA believes that this is necessary to aid in compliance determination and enforcement action, if necessary.

Section 142.29 Inspections

This proposed section would require training centers to permit inspections by the FAA at reasonable times and places. The FAA believes that recurrent inspections and unannounced inspections are necessary to determine compliance with the FAR. These proposals are similar to inspection requirements applicable to other air agencies which are subject to FAA regulation.

Section 142.31 Advertising Limitations

This proposed section would restrict advertising to that training that has been approved by the Administrator. Paragraph (b) would require a training center to promptly and totally cease advertising after surrender, suspension, revocation, or termination of its certificate. The FAA believes that these requirements are necessary to help ensure that only the highest quality of training is offered to the aviation community.

Section 142.33 Training Agreements

This proposed section would permit training centers to establish training agreements with pilot schools certificated under part 141. A pilot school certificated under part 141 would be allowed to contract with a training center certificated under proposed part 142 for an entire course or for a block of ground or flight training. The course of instruction for which the school contracts, however, would have to be an approved course of training identified in the training center's training specifications. The pilot school's training course outline (TCO) would have to reflect training conducted at the pilot school, contain an outline of the block of training conducted at the training center, and include the name, address, and certificate number of the training center that conducted the training. These proposed requirements would allow the FAA to determine that all required areas of instruction were covered by either the pilot school or the training center. Curricula for such a course would fall under § 141.57, Special Curricula, and would be approved under that section like other curricula.

A training center certificated under proposed part 142 would also be allowed to contract with a pilot school certificated under part 141 for an entire course or only part of a course; however, a training center would not be permitted to contract with a pilot school certificated under part 141 for training or testing required by part 121 or part 135. Pilot schools cannot now conduct training or testing for air carriers certificated under part 135 or part 121 either under the FAR or by exemption.

If a training center desired to contract with a pilot school for a particular course or block of training, the pilot school would be required to have authorization under part 141 to provide the type of training, testing, or checking requested. For example, under proposed § 142.33(c), if a certificated training center wanted a certificated pilot school to provide a ground school course, the

pilot school would have to have a flight ground school course rating and an approved TCO to provide the type of training requested. Under proposed § 142.33(b), if the training were a block of aircraft time required for private pilot certification, the pilot school would be required to have either a part 141 private pilot certification course rating or a private pilot test course rating.

Before a training center certificated under proposed part 142 could contract with a pilot school certificated under part 141 for a block of training, the entire course curriculum, including the contracted block of training, would have to be approved under proposed part 142. In addition, under proposed § 142.33(b) the training center certificate holder's training specifications would have to be amended to reflect the contracted block of training as well as the name, address, and certificate number of the pilot school that would administer the training. The FAA believes these measures are necessary to allow monitoring and quality control and to facilitate compliance determination.

Under proposed § 142.33(d), after completion of a contracted block of training, the pilot school that provides the training would keep a copy of the student's training record and forward a copy to the training center that contracted for the training.

Subpart B

Proposed Subpart B, "Aircrew Curriculum, Training Course Outline, and Syllabus (other than air carrier)," proposes curriculum, course outline, and syllabus requirements for those training center applicants and certificate holders planning to offer training to persons other than aircrew employees of an air carrier or an aircrew employee of a part 125 certificate holder.

Section 142.35 Applicability

This proposed section would specify that the training programs proposed by this subpart would apply to that segment of aviation frequently called "general aviation" that operates under part 91, and that is not required by regulation to have a training program.

Section 142.37 Approval of Flight Aircrew Training Program

Paragraphs (a) and (b) of this section would provide that each applicant for training program approval would be required to file an application with the FAA Flight Standards District Office that has jurisdiction over the area in which the applicant's principal business office will be located.

Proposed § 142.37(c) would require the applicant to submit a training program

identifying segments that are core training programs and speciality training programs. Core training programs and speciality training programs are defined in proposed § 142.3. Core training programs would be forwarded to the central national office for approval. Specialty training programs would be forwarded to the FAA inspector with primary responsibility for training surveillance at the center at which the specialty training is to occur. Because specialty training programs are designed to consider local factors, such as geography and climate, these programs could be conducted only at the center for which the specialty training program is approved. Core courses approved at the national levels, however, would be approved for use by the training center certificate holder at any of its training centers and its satellite training centers. The FAA believes that this procedure would provide maximum standardization of training.

Proposed § 142.37(c) would require applicants, when filing an application for training program approval, to indicate which FAR requirements the training program curriculum would satisfy and which FAR requirements the training program curriculum would not satisfy.

Proposed § 142.37(e) would require that a certificate holder make revisions to its approval training program upon request by the Administrator. Revisions may be necessary when, upon review of a curriculum, the FAA discovers a deficiency in it. If a certificate holder fails to make necessary revisions upon request, the Administrator could suspend, revoke, or terminate its certificate.

Section 142.39 Training Program Curriculum Requirements

Each training program curriculum submitted for approval would have to contain a syllabus and course outline, minimum flight training equipment requirements, and minimum instructor and evaluator qualifications for each proposed course of training. The FAA believes that approval of a curriculum under SFAR 58, Advanced Qualification Program (AQP), should, for that applicant, constitute complete approval of that curriculum for use by a training center certificated under part 142, since the AQP application contains curriculum criteria at least as detailed as the part 142 curriculum requirements set forth in proposed §§ 142.39 and 142.77.

Proposed § 142.39(a)(4) would require that each training program contain initial qualification and continuing qualification curriculum for each

instructor or evaluator employed to instruct in a proposed course of training.

Paragraph (a)(4) would require training centers to issue annually a letter of authorization to each instructor for each course that instructor would teach. These proposed revisions should ensure that instructors and evaluators retain necessary skills.

Many of the proposed requirements for a training center are derived from years of experience with approved training programs for "de facto" training centers, and training programs that included flight simulator use in accordance with subpart N and appendix H of part 121. Because that experience has shown that there is a greater efficacy in structured training using high fidelity simulation than in traditional airplane-only training, proposed § 142.39(a)(5) would allow a further reduction of the applicable flight experience requirements of part 61 or part 141 based on demonstrated performance of graduates.

A training center seeking approval to train toward, or test for, a certificate or rating in fewer than the minimum hours prescribed in part 61 for that certificate or rating would be required to demonstrate the ability to accomplish such training in fewer hours than prescribed. In addition, the training center or training center applicant would have to propose a method of tracking students and collecting data to validate the effectiveness of its training for the certificate or rating under its proposed program. Data to be tracked to point to program effectiveness might include incidents, accidents, hours flown, and type of flying. The proposal would require such tracking for 1 year, or other period approved by the Administrator, following course completion. The basis for these proposed rules is discussed above under § 121.109(i).

Subpart C

Subpart C "Personnel and Flight Training Equipment Requirements (other than air carrier)," of proposed part 142 would establish instructor and evaluator eligibility requirements, address instructor and evaluator privileges and limitations, and address instructor and evaluator training, testing, and qualification for training programs approved under Subpart B. This subpart also prescribes the rules governing flight training equipment requirements.

Section 142.45 Applicability

This proposed section indicates that proposed Subpart C sets forth the personnel and equipment requirements

required for training that is applied toward the requirements of part 61.

Section 142.47 Training Center Instructor Eligibility Requirements

Proposed § 142.47(a)(1) would set the minimum age for training center instructors at 18, which is consistent with the minimum age currently required for a commercial certificate. Proposed § 142.47(a)(2) would require that, to be eligible to instruct at a training center, an instructor would have to be able to read, write, and converse fluently in English. This standard of English language proficiency has been required for airline transport pilots and flight instructors for years, and experience has shown that the complexities of the airspace rules and air traffic environment demand this standard of language proficiency. English is the international language in aviation, and training courses must be taught in English so commonly used terminology is understood.

To permit the maximum number of potential instructors, the FAA proposes in § 142.47(a)(3) that all training center instructors would have to meet one of the following standards: (1) Hold a flight instructor certificate and at least a commercial pilot certificate with an instrument rating; (2) at the time of accepting employment, be currently qualified to instruct under SFAR 58, part 121 or part 135; or (3) hold a ground instructor certificate with instrument rating and meet at least the commercial pilot aeronautical experience requirements. Under exemptions previously issued, the FAA has required that simulator flight instructors meet these standards. Since the training provided under these exemptions has proven effective, these standards have been included in this proposed section.

Experience with numerous simulator training centers over several years has shown the present instructor cadre to be effective. Therefore, the FAA proposes in § 142.47(b) that an instructor who has been employed as a simulator instructor by a training facility operating under an exemption to part 61 (prior to the date of the amendment based on this NPPM) may continue to instruct for that training facility provided the facility obtains certification under proposed part 142, the instructor maintains continuous employment with the training center, and the instructor instructs only in flight simulators in which that instructor has previously been authorized to instruct.

The FAA recognizes that there are a number of highly experienced persons who might be potential training center instructors, including former military pilots who never gained an FAA flight

instructor certificate, and former air carrier pilots beyond the maximum age to continue in that capacity. Some of these persons may be unable to hold an airman medical certificate, which the FAR currently requires for instructors. Accordingly, under this proposed section, a training center may employ a person as a training center instructor if that person: (1) Holds a ground instructor certificate with an instrument rating, and (2) has at least the aeronautical experience certification requirements for a commercial certificate (ATP experience requirements in some cases).

Section 142.49 Training Center Instructor Privileges and Limitations

To instruct in an aircraft, a training center instructor would have to hold a current flight instructor certificate with certificates and ratings applicable to the aircraft used for instruction, hold at least a valid second class medical certificate, and meet the recency of experience requirements of part 61. These proposed requirements for aircraft flight instructors are those currently required by part 61. The FAA believes that the current requirements for aircraft flight instructors are necessary to ensure that an instructor is qualified to properly teach required course curricula.

Section 142.51 Qualifications to Instruct in a Flight Simulator or a Flight Training Device

Under this proposed section, to instruct in a flight simulator or flight training device that represents an airplane an instructor would have to meet at least the aeronautical experience requirements of § 61.129 that must be met by the applicant for a commercial pilot certificate with an airplane rating, except for the required hours of instruction for the practical test. Further, each instructor who instructs in a flight simulator or flight training device that represents an airplane requiring a type rating, or in a course of training leading to the issuance of an airline transport certificate with an airplane category rating (or the addition of an airplane category rating to an existing airline transport certificate), would have to meet the ATP aeronautical experience requirements of § 61.155. Training center instructors would have to meet similar aeronautical experience requirements in helicopters in order to instruct in a flight simulator or in a flight training device that represents a helicopter.

Section 142.53 Training Center Instructor Training and Testing Requirements

The importance of the instructor's role in providing quality training has been highlighted by a number of national inspection programs in recent years. This point has been emphasized in reports of the General Aviation Safety Audit (Unnumbered, Flight Standards Service internal audit), and most recently in the National Aviation Safety Inspection Program (FAA Order 8000.270). Various National Transportation Safety Board and National Airspace Review recommendations also reference the need for increased instruction of instructors. Simulator training exemptions for several years have required initial and recurrent instructor training, and the performance of instructors in training centers operating under exemption has been satisfactory. Section 142.53 proposes that all training center instructors would be required to successfully complete initial and annual recurrent training in specific areas. The basis for this requirement is discussed above under § 142.39.

Section 142.55 Training Center Evaluator Requirements

Paragraph (a) of this proposed section sets forth the proposed requirements for an evaluator, including recurrent training requirements that would have to be met within each 12-month period. An evaluator is a person who would perform tests for certificates and ratings authorized by the training center certificate holder's training specifications.

Many years of experience in evaluating training in air carrier training programs, pilot schools, and de facto simulator training centers have shown that evaluators must be proficient in all areas required of an instructor. In addition, an evaluator must have the special skills required to evaluate. Therefore, § 142.55 proposes that training center evaluators be subject to the same eligibility, qualification, authorization, and initial and recurrent training and testing requirements as proposed for training center instructors in §§ 142.47, 142.49, 142.51, and 142.53. In addition to other required subjects, § 142.55(a)(3) proposes that training center evaluators would have to successfully complete additional training unique to pilot evaluator duties. The FAA has found these subjects to be necessary and adequate to prepare evaluators and keep them current in evaluation skills and techniques.

Section 142.55(b) would allow evaluators to complete recurrent training requirements within a 60-day window, without changing the next due date. This practice allows maximum convenience in scheduling training.

Section 142.57 Aircraft Requirements

Proposed paragraph (a) of this section would require training center aircraft used for instruction to be civil aircraft of the United States if used in the United States, and would allow satellite training centers located outside the country to use aircraft registered in the host country. Paragraph (a)(3) proposes airworthiness requirements for training centers within and outside of the United States. The FAA believes that these proposed registration and airworthiness requirements satisfy international aviation agreements and will ensure a reasonable standard of safety for training aircraft.

Proposed paragraph (a)(4) would require that training centers maintain and inspect training aircraft in accordance with the requirements of Subpart E of part 91 and an approved program. Paragraphs (a)(5) and (6) propose that all aircraft used for instrument instruction be equipped and maintained for IFR operations, and in accordance with the requirements of the approved training program.

Under proposed § 142.57(b), aircraft used for instruction would have to be at least a two-place aircraft with flight controls that are easily reached by both pilots and that operate in a conventional manner. Based on its experience with flight tests required by § 61.45, the FAA believes that these proposed requirements generally are necessary to ensure safety during in-flight instruction. However, in recognition that certain uniquely configured aircraft can be safely operated with flight controls that do not meet the above standards, paragraph (c) of this proposed section would permit a training center to authorize the use of such aircraft upon a finding that flight instruction can be safely conducted in them.

Section 142.59 Flight Simulators and Flight Training Devices

Under proposed § 142.59(a), flight simulators and flight training devices used in an approved training program would have to be qualified by the National Simulator Program Manager (NSPM). Simulation has benefit only if behaviors learned can be transferred to the aircraft. No effective transfer of learning has been demonstrated except from flight simulators and flight training devices that accurately replicate the performance of an aircraft. The FAA

determines accurate replication of an aircraft by evaluation and qualification of flight simulators and flight training devices by its NSPM. Therefore, flight simulators and flight training devices used in proposed part 142 training centers would be subject to qualification by the NSPM.

Paragraph (a) of this section also would require that a flight simulator or flight training device be approved for use in a training center training program curriculum. Approval is separate from evaluation and qualification by the NSPM. Approval for simulation use in a specific training program is a requirement now for all aircrew training programs subject to FAA approval.

Under proposed § 142.59 (a)(1), a training center certificate holder would have to ensure that the flight simulators and flight training devices the certificate holder plans to use for a particular maneuver or procedure are qualified for that maneuver or procedure. If part 61, for example, requires landing in a particular make, model, and series aircraft, then a flight simulator used to simulate that aircraft would have to be qualified and approved both for the visual landing and to simulate the make, model, and series of aircraft.

Proposed § 142.59(c)(1) would require that flight simulators and flight training devices used by training centers be maintained to ensure the reliability of the performances, functions, and all other characteristics that were required for initial qualification of the equipment.

Proposed § 142.59(c)(2) would require that flight training devices and flight simulators be modified to conform with any modification to the aircraft being simulated, if that modification results in changes to performance, function, or other characteristics of the aircraft.

Proposed § 142.59(c)(3) would require that flight simulators and flight training devices used under proposed part 142 be given a functional check before being used. Further, this paragraph would require that training center instructors would have to keep a discrepancy log, and enter all discrepancies in that log at the end of each training session or check. The FAA believes that these measures are necessary to enable it to determine compliance with the approved simulator component inoperative guide (SCIG) discussed in the next paragraph.

Proposed § 142.59(d) would provide that, unless otherwise authorized by the Administrator in a SCIG, all components on a flight simulator or flight training device used by a training center would have to be operative to insure faithful replication of aircraft capabilities. A flight simulator or flight training device

SCIG is a guide approved by the Administrator that indicates the specific training or testing tasks that are authorized if a component becomes inoperative. The use of a flight simulator or flight training device with one or more inoperative components may be limited by the principal operations inspector (POI), on a case-by-case basis. The POI would not authorize maneuvers or procedures that involve the use of an inoperative component; however, he or she may allow the use of the simulator for other maneuvers and procedures for which it has been previously qualified and approved.

The authorization to use the simulator with an inoperative component would be valid for a period not to exceed 4 months unless an extension is approved by both the POI and the NSPM. Four months is the maximum period currently permitted under training programs using flight simulators, and it is the period of time established for reoccurring evaluation and qualification of each simulator and advanced training device. Experience has shown that 4 months is sufficient time to repair or replace an inoperative component of a simulator.

Proposed § 142.59(e) would allow training centers to use flight simulators in approved courses without specific route or terminal aids and visual scenes. The FAA believes that the use of specific route and terminal aids and visual scenes has not been shown to have a significant advantage over the use of selected or generic route and terminal aids and visual scenes.

To facilitate compliance with this proposed section, § 142.59(f) would allow a training center to request evaluation and qualification of a flight simulator or flight training device without having an air carrier certificate or any special relationship with an air carrier. Currently, the only entity specified in the FAR that may request flight simulator evaluation is an air carrier certificate holder.

Subpart D

Subpart D, "Operating Rules (other than air carriers)," of proposed part 142 sets forth proposed operating rules for training centers that would provide training in accordance with Subpart B of proposed part 142.

Section 142.61 Applicability

This section provides that the operating rules proposed in this subpart would apply to training centers providing training to clients other than air carrier clients.

Section 142.63 Privileges

Proposed § 142.63 would permit training center instructors and evaluators who provide training in flight simulators and flight training devices to use flight simulators and flight training devices only to accomplish recency of experience requirements. Simulator training exemptions allowed this alternative for maintaining recency of experience on a trial basis, and the FAA found this practice to be acceptable.

Section 142.65 Limitations

Because the FAA intends that flight simulators used in testing, checking, or line-oriented flight training (LOFT) provide the same time constraints and sequential, or overlapping, circumstances that occur in an actual aircraft, § 142.65 would prohibit the use of flight simulator or flight training device repositioning, freeze, or slow motion features during testing, checking, and LOFT.

Additionally, proposed § 142.65(b)(1) would require a crewmember qualified in the aircraft category, class, and type, if a type rating is required, to occupy each crewmember position during testing, checking, or LOFT. During Category II and Category III testing, the copilot position would have to be occupied by a pilot qualified to perform the duties of a second in command for Category II or Category III operations, as applicable. The FAA believes that this proposed requirement is necessary because these operations are essentially crew tasks, and the capability of a lone pilot cannot be determined accurately without a complete crew. An unqualified substitute copilot, or a simulator instructor filling the role of both instructor/simulator operator and copilot is not believed to be adequate.

Notwithstanding the general proposed prohibition against the use of unqualified crewmembers, proposed § 142.65(b)(2) would permit a student enrolled in a specific training course to occupy a required crewmember position for training, checking, or testing conducted in a particular training course without holding the pilot certificates and rating necessary to qualify for that crewmember position. This provision is proposed in order to allow crews undergoing training as a crew to more fully benefit from crew coordination and training and crew management. Experience learned from exemptions and from air carrier training programs has shown this practice to be beneficial.

Proposed § 142.65(d) would prohibit training center certificate holders from recommending a trainee for a certificate or rating unless that trainee has

satisfactorily completed the training specified in an approved course of training and has passed the required final tests. Training center certificate holders would also be prohibited from graduating a student from a course of training unless the student has satisfactorily completed the curriculum requirements of that course. The FAA believes that completion of all training curriculum is required to ensure safety.

Proposed § 142.65(c) would allow students to transfer from a pilot school certificated under part 141 to a training center certificated under proposed part 142, and be given aeronautical experience credit for all training successfully completed at the part 141 pilot school. Placement within a particular program, however, would be based upon a student's demonstration of aeronautical knowledge and skill. An authorized evaluator, as defined in part 142, would assess the aeronautical knowledge and skill of students transferring from a pilot school to a training center and would make a subjective judgment about the amount of aeronautical experience to credit and about where a transferring student should be placed in a particular program. Transfers of training center students to or from a pilot school would require that a copy of each student's training records be transferred to the gaining institution to become part of the student's training records.

Subpart E

Subpart E "Recordkeeping (other than air carrier and part 125) would prescribe the records that a training center certificate holder would have to maintain.

Section 142.71 Applicability

Subpart E, "Recordkeeping (other than air carrier)," prescribes the records that a training center certificate holder would have to maintain for students who are not aircrew employees of operators under parts 121, 125, or 135, and the records that would have to be maintained for instructors and evaluators authorized in accordance with subpart C of proposed part 142.

Section 142.73 Recordkeeping Requirements

A training record would have to be maintained for each student. Among other things, student records would be required to contain the name of the student, a copy of the student's pilot certificate and medical certificate, the name of the approved course attended by the student, and, if applicable, the type of flight simulator or flight training device used in that approved course. In

addition, the training center would have to keep a record of the student's aeronautical experience, the amount of time it takes the student to complete the approved course of training, the student's performance on each lesson, and the name of the instructor who provided the training. The center also would have to keep a record of the date of each end-of-course practical test, the name of the evaluator who conducted the test, the result of that practical test, and a record of any additional training required. Student records would have to be maintained for 1 year, or other period as approved by the Administrator.

Proposed § 142.73(b) would require that, for each instructor or evaluator employed to instruct or evaluate an approved course of training, each center would have to keep records that demonstrate compliance with the instructor and evaluator eligibility, qualification, and recurrent training requirements of subpart C of proposed part 142. The FAA believes that this section proposes minimum records that it will need to properly evaluate the performance of students, instructors, and others. This information will facilitate necessary changes in a number of areas, including curriculum, equipment, and facilities.

Subparts F Through I

Subparts F through I of proposed part 142 contain the rules governing training, testing, or checking that a training center would have to meet to satisfy the requirements of parts 63, 121, 125, and 135 of the FAR.

Subpart F

Subpart F, "Aircrew Curriculum, Training Course Outline and Syllabus (Air carrier)," proposes curriculum and course outline requirements for the issuance of a training center certificate and rating for training conducted to meet the requirements of parts 63, 121, 125, and 135. The training program curriculum requirements and approval process contained in subpart F of proposed part 142 is basically the same as that contained in subpart B because of commonality in general aviation and air carrier training needs.

Section 142.75 Applicability

This section provides that proposed subpart F prescribes the curriculum and course outline requirements for a training center certificate and ratings for training to meet the requirements of part 63, part 121, part 125, or part 135.

Section 142.77 Approval of Flight Aircrew Training Program

Except as indicated below, the discussion under proposed § 142.37 applies to this proposed section.

Under proposed § 142.77(c) (2) and (3), if a holder of a certificate under one of the above parts plans to train aircrews other than its own employees, the certificate holder would have to file an application for training center training program approval under subpart F. The application would have to indicate which requirements of part 61, part 63, part 121, part 125, or part 135, as applicable, the part 142 training program curriculum would satisfy and which requirements it would not satisfy. If the certificate holder plans to train persons not subject to part 121, 125, or 135, it would apply as discussed above under subpart B.

Section 142.79 Approval of Training, Qualification, or Evaluation by a Training Center

Under proposed § 142.79(b), an air carrier certificate holder not wishing to become a training center, but wishing to use the services of a training center, would be allowed to contract with an appropriately rated training center for training. An air carrier certificate holder would be allowed to contract for an entire part 121 or part 135 curriculum, a curriculum segment, or a portion of a curriculum.

Subpart N of part 121 requires an air carrier subject to that part to have a training program for its employees subject to that part. The FAA proposes that all training provided to air carriers by trainers, other than an air carrier training its own aircrew employees pursuant to subpart N, be provided by an approved training center. The basis for this proposal is set forth above under the discussion pertaining to part 121.

Under proposed § 142.79(b), a training center certificate holder offering a course designed to meet the pilot training, checking, and testing requirements of part 121, part 125, or part 135 would have to ensure that the part 125 operator or air carrier certificate holder that has contracted for training has notified its POI of its intent to use a training program curriculum or training course approved under part 142. The notification would be required in writing at least 30 calendar days before contracted training is scheduled to begin.

Under this proposed section, training centers could contract to present programs from a list of approved courses in the training center's approved training curriculum. Those courses

would have to appear in the training center's training specifications.

Paragraph (b)(1) of this proposed section would require that the training center facilities used to meet the requirements of part 121, 125, or 135 must be approved by the Administrator for planned training, qualification, or evaluation required by part 121, part 125, or part 135. This proposed requirement would allow the FAA to provide necessary monitoring and quality control.

Proposed § 142.79(b)(1)(ii) would require a training center to have FAA approval to use a training program curriculum or a training course for a particular air carrier or part 125 operator.

Proposed paragraph (c) would permit the Administrator to require modification of training programs to insure that the training provided to an air carrier certificate holder or part 125 operator continues to meet that client's needs. The proposed authority to require modification of training programs from time to time, if needed, is similar to the Administrator's authority in connection with other approved training programs.

Subpart G

Subpart G "Personnel and Flight Training Equipment Requirements (air carrier and part 125)" proposes the personnel and flight training equipment requirements for training center certificate holders.

Section 142.83 Applicability

This section would prescribe the personnel and flight training requirements for training center certificate holders engaged in training for a part 121 or part 135 certificate holder or a part 125 operator.

Section 142.85 Training Center Instructor Eligibility Requirements

The proposals set forth in this section are similar to those of proposed § 142.47.

Section 142.87 Training Center Instructor Privileges and Limitations

The proposals set forth in this section are similar to those of proposed § 142.49. Under proposed § 142.87(c)(4)(iv), however, a training center instructor could meet the requirements of § 121.411 or § 135.339, as applicable, as an alternative to having to meet the proposed requirements of subpart C, in order to provide training in an aircraft. This alternative would continue the practice of using instructors qualified under § 121.411 or § 135.339 to instruct in air carrier training programs.

Proposed § 142.87(c)(5) would require an instructor to hold the airman

certificate and ratings required to serve as a pilot in command or a flight engineer, as applicable to the instruction to be provided, in the type aircraft in which he or she will instruct. In addition, an instructor would have to have completed an initial, transition, recurrent, or differences flight training course, as applicable, within the preceding 12 months.

Proposed § 142.87(c)(5)(v) would require the training center to notify an air carrier certificate holder's POI that an instructor is employed to provide instruction for the air carrier.

Section 142.89 Training Center Instructor Training and Testing Requirements

The proposals contained in this section are similar to those contained in § 142.53.

Section 142.91 Qualifications To Instruct in a Flight Simulator or in a Flight Training Device

The proposals contained in this section are similar to those contained in § 142.51.

Section 142.93 Training Center Evaluator Requirements

The proposals contained in this section are similar to those contained in proposed § 142.55.

Section 142.95 Aircraft Requirements

The proposals contained in this section are similar to those contained in proposed § 142.57, except that the discussion regarding flight controls (those that are easily reached and that operate in a conventional manner) does not apply to this proposed section.

Section 142.97 Flight Simulators and Flight Training Devices

The proposals contained in this section are similar to those contained in § 142.59.

Subpart H

Subpart H, "Operating Rules (Air Carrier)," prescribes the proposed operating rules applicable to training centers certificated under part 142 that provide training to air carrier clients in accordance with subpart F of that part. This subpart proposes the same operating rules as discussed above under subpart D.

Section 142.101 Applicability

This section provides that subpart H prescribes the operating rules for training centers providing training to air carrier clients under proposed subpart F.

Section 142.103 Privileges

The proposed privileges outlined in this section are essentially the same as those discussed under § 142.63.

Section 142.105 Limitations

The proposed limitations outlined in this section are essentially the same as those discussed under § 142.65, except that provisions for student transfers between training centers and pilot schools would not apply to training programs conducted for air carrier clients.

Subpart I

Subpart I, "Recordkeeping (Air Carrier)," proposes the requirements for records a training center certificate holder would have to maintain for clients operating under part 121, part 125, or part 135, and the records that would have to be maintained for instructors and evaluators authorized in accordance with subpart G of proposed part 142.

Section 142.111 Applicability

This section provides that subpart I (Recordkeeping) is applicable to training centers providing training to air carrier clients.

Section 142.113 Recordkeeping Requirements

Section 142.113 proposes that a certificate holder would have to keep a record for each student. Training records would have to contain the name of the individual student and the student's employer, the date of training, the results of all training and any tests undertaken by the student, the name of the approved course attended by the student, and, if applicable, the type of flight simulator or flight training device used in that approved course.

Proposed § 142.113 also would require that records be kept for each instructor or evaluator employed to instruct or evaluate an approved course of training. These records would have to demonstrate compliance with the instructor and evaluator eligibility, qualification, and recurrent training requirements of subpart F of proposed part 142.

Section 142.114 Record of Training Recipients

Proposed § 142.114 would require a training center that provides training for air carrier certificates to keep a list of all carriers for whom it conducts, or has conducted within the last year, training, checking, or testing. The list would have to include the name of the air carrier certificate holder and the courses and types of tests or checks accomplished

for that certificate holder. A copy of this list would have to be forwarded to the Flight Standards District Office that has jurisdiction over the area in which the training center's principal business office is located and to the POI for the training center facility that provides the training for an air carrier.

Subpart J

Subpart J, "Other Approved Courses" proposes that training centers or training center applicants (other than pilot crew members) may apply for approval to conduct courses and that such courses would be approved by the Administrator upon a finding that the application provides a curriculum that is equal to, or better than, that required by the applicable part of the FAR.

Section 142.115 Conduct of Other Approved Courses

The primary emphasis of proposed part 142 is expected to be flight training, although the regulatory structure is intended to be flexible enough to permit a certificate holder or certificate applicant to provide training in other areas such as cockpit resource management, carriage and handling of hazardous materials, and instruction relating to job functions such as flight engineer, flight attendant, dispatcher, and ramp agent.

Paperwork Reduction Act

The reporting and recordkeeping requirements associated with this rule are being submitted to the Office of Management and Budget for approval in accordance with 44 U.S.C. chapter 35 under DOT NO: new; OMB NO: new; Title: *Aircraft Flight Simulator Use in Pilot Training, Testing, and Checking and at Training Centers; Need for Information: To adhere to the requirements for records that would need to be generated and maintained under proposed part 142. Proposed use of Information: To provide surveillance capability over proposed training centers to insure compliance with airman training, testing, and certification requirements. Frequency: Records would have to be kept of the training center initial application, of each student, of each instructor or evaluator, and of all air carrier certificate holder clients. These records would have to be annotated subsequent to any training, testing or checking. Burden Estimate: \$45k for total annual burden; Respondents: Part 142 certificate holders and certificate holder applicants; Form(s): to be determined; Average Burden Hours per Respondent: The FAA estimates that there will be 32 certificate applicants during the first*

year. The average burden hours are estimated as follows:

(1) To file an application—50 hours per application.

(1) To maintain a record for each student and provide that record once per student—1 hour per record.

(2) To maintain a record for each instructor and evaluator and provide that record once per instructor or evaluator, excluding the initial certificate application—1 hour per record.

(3) To provide a record to each POI for each course being instructed and the instructor's name—25 hour per record.

For further information contact: The Information Requirements Division, M-34, Office of the Secretary of Transportation, 400 Seventh Street, SW., Washington DC 20590, (202) 366-4735 or Edward Clarke or Wayne Brough, Office of Management and Budget, New Executive Office Building, room 3228, Washington, DC 20503, (202) 395-7340.

Regulatory Evaluation Summary

The FAA has conducted a detailed regulatory evaluation of the proposed amendments. A copy of that evaluation has been filed in the regulatory docket of the NPRM. The FAA has evaluated the benefits and costs of the proposed regulatory changes and has concluded that the proposed amendments will not have a significant economic impact on the affected parties. The proposal would establish part 142 training centers at which flight simulators and flight training devices could be used, but it would not require the use of flight simulators or flight training devices in the training, testing, and checking of aircrew members.

Commenters are encouraged to respond to this assessment and to submit economic and trade data supporting any beneficial or adverse impacts that might occur if the proposed amendments are adopted. In addition, the FAA solicits recommendations for better methods of achieving the objective of the rule and rule changes in this NPRM.

Costs and Benefits

Organizations that currently provide training, testing, and checking in flight simulators and flight training devices are expected to incur costs in qualifying and applying for a part 142 certificate. The government could incur additional costs by creating a branch to accomplish the initial certification of proposed part 142 training centers, and to provide surveillance of training centers.

A number of provisions of the NPRM are not expected to create costs. These

items principally integrate the proposal into existing regulations or update existing regulations. A list of these provisions is found in the regulatory docket of this NPRM.

The proposed part 142 rule is expected to create several monetary and non-monetary benefits.

Costs

Estimated costs would include the cost for exemption holders to qualify and apply for the proposed part 142 certificate, and the cost for the government to establish and maintain a nationally centralized office to approve training centers, certificate applicants, training specification, and training programs. Holders of exemptions from part 61 requirements are expected to incur a one-time cost of approximately \$8,000 each, or a total of approximately \$200,000, to apply and qualify for the proposed part 142 certificate. The estimated annual cost for the government to establish and maintain a training center nationally centralized office is \$537,600.

As with any other certificate issued by the FAA, organizations would incur costs in qualifying and applying for the certificate. If the proposal is adopted as proposed, organizations that hold exemptions from part 61 requirements to allow simulator use, aircraft manufacturers providing aircrew training, and air carriers training other than their own pilot aircrew employees would be required to apply for the proposed part 142 certificate in order to continue such operations. Other organizations would not need to apply for the proposed part 142 certificate; therefore, they are not considered in the FAA's cost estimates.

Because the proposed requirements for a part 142 certificate are similar to the current requirements for holders of exemptions from part 61 simulator requirements, organizations that hold such exemptions are expected to incur only limited costs in qualifying for the proposed part 142 certification. Currently, these organizations are required to have a training program curriculum, a recordkeeping system, facilities, and a system for training, testing, and checking instructors. (Any assumption that a cost or no cost would be incurred does not consider the expansion of a course that is currently approved under exemption.)

Costs incurred in qualifying for the proposed part 142 certificate would stem from adjusting instructor training and establishing evaluator requirements. Exemption holders would be required to do two things: (1) Amend their instructor training and testing requirements to

include cockpit resource management in required ground training; and (2) ensure that each instructor has completed ground and flight instruction in normal and abnormal situations, including training in emergency situations likely to develop in training.

The FAA estimates that adjustments to the instructor training program would require 16 hours from two flight employees and 8 hours from one clerical support employee. With an estimate of \$65 per hour in salary and benefits for the two flight employees, \$10 per hour in salary and benefits for the clerical support employee, and \$80 in miscellaneous costs, the FAA expects that the total one-time cost of adjusting instructor training requirements would be approximately \$2,200 per organization. With a total of 32 exemption holders, the total cost would be approximately \$70,400. The FAA estimates that any present evaluator training program would need to be revised. The FAA estimates that such revisions would require 32 hours from two high-level flight employees and 32 hours from one clerical support employee. By applying the same salary and benefit rates, plus \$200 in miscellaneous costs, the FAA estimates that the one-time cost to revise evaluator training requirements would be \$4,700 per organization, with a total cost of \$150,400.

Part 121 or part 135 certificate holders are required to establish and maintain an approved training program for crewmembers, check airmen, instructors, and other operations personnel they employ. This training program could also be approved under SFAR 58. The current regulations permit these operators to use flight simulators and flight training devices for training, testing, and checking, and many of the requirements in proposed part 142 parallel current requirements in part 121 or part 135 as well as in SFAR 58. Under the proposal, a part 121 or part-135 certificate holder would be required to obtain a part 142 certificate to implement and maintain a training program for crewmembers, check airmen, instructors, and other operations personnel other than those they employ. Such a training program is permitted under SFAR 58. The FAA estimates that, at this time, few operators train personnel they do not employ. If a part 121 or part 135 operator desires to train crewmembers, check airmen, instructors, and other flight personnel they do not employ, the cost to obtain the proposed part 142 certificate could be conveyed to the operator's customer(s).

The costs incurred in applying for a part 142 certificate would include the administrative cost of application. This cost would include the development of the training specifications and the composition of the actual application. Because an operator would obtain the proposed part 142 certificate over a 2-year period after adoption of the proposal, the cost to adjust advertising and other business expenses (new letterhead, business cards, etc.) is not included. Such modifications could be made as new items are required.

The FAA estimates that completing the necessary adjustments and developing the necessary documents would require 8 hours from two flight employees and one clerical support employee. With the same salary and benefit estimates discussed above, plus \$100 in miscellaneous costs, the FAA estimates that the total one-time cost for the holder of a part 61 exemption to apply for the proposed part 142 certificate would be approximately \$1,200. If organizations that currently hold part 61 exemptions apply for part 142 certificates, the one-time cost to the industry would be approximately \$38,400.

Under the proposal, a central office would approve applications and alterations to the proposed part 142 certificate. This central office might be established in conjunction with an existing central office that has oversight responsibility for another aircrew training program. The FAA estimates that the central office would include one manager, five assistants, and one secretary. The FAA estimates that each assistant would travel approximately 30 days per year. Based on government salary and benefit rates, the annual cost of this branch is estimated to be approximately \$537,600. Any costs for FAA publications and advisory material would be considered part of the FAA's periodic update of the regulations.

Benefits

The removal of regulatory constraints could advance the development of flight simulator technology, especially in general aviation. In addition to potential safety benefits, the removal of regulatory constraints would provide numerous benefits to the general public, students, training institutions, aircraft manufacturers, and operators of aircraft for hire, and it would stimulate the development and manufacture of flight simulators and flight training devices.

Exemptions permitting the use of flight simulators to meet the requirements of part 61 in lieu of aircraft often mention benefits to the public. These benefits

include reduced air traffic, reduced noise and air pollution, and reduced high-risk, low-altitude flight operations.

As proposed, part 142 training centers would provide students with at least five benefits: (1) Training in emergency situations not safely duplicated in an aircraft; (2) increased diversity in training options; (3) training, testing, and checking in flight simulators and flight training devices; (4) exposure to innovative and diverse training programs; and (5) all or part of the necessary training for a particular certificate or rating.

The FAA expects that as part 142 training centers, if created, mature, the use of flight simulators, flight training devices, and innovative programs could become more common in general aviation training and thus would also provide benefits to those students. The FAA believes however that, based on current conditions, most general aviation flight simulators and flight training devices are likely to replace complex aircraft used in training, testing, and checking rather than aircraft used in primary training; the cost to develop a flight simulator or a flight training device for a single-engine, non-complex airplane used for primary training may not be cost-effective at this time. As proposed, a student could enroll in a complete training program with ground, flight, and flight simulator instruction at a proposed part 142 training center. That same student could also enroll at a part 141 pilot school that has contracted a block of training to a part 142 training center. (The block would not have to consist only of training in a flight simulator or flight training device.) If all of a student's training for a certificate or rating was acquired at a part 142 training center, the maximum number of hours that could be accomplished in a flight simulator or flight training device would depend on the training center's approved program. If a portion of the training for a certificate or rating is provided by a part 142 training center, only the maximum number of hours listed in the proposed part 61 amendments could be applied to the minimum requirements for the certificate or rating.

The following example illustrates how the use of a flight simulator or flight training device would lower the training costs for an applicant for a particular certificate. Existing § 61.129(b) requires that an applicant for a commercial pilot certificate with an airplane category rating have 250 hours of flight time, 50 hours of which could be in a flight simulator or flight training device.

Proposed § 61.129(b) would permit the applicant to accomplish 100 of these hours in a flight simulator or flight training device. If an applicant for a commercial pilot accomplished an additional 50 of the permitted 100 hours in a flight simulator or flight training device, the cost savings would be significant. Based on FAA values of the operational cost of airplanes, the savings for one applicant would range from approximately \$2,000 to approximately \$5,500, depending on whether the hours would have been spent in a single-engine or multiengine piston airplane. From 1985 through 1989, the FAA issued an average of approximately 10,000 original commercial certificates per year. If only 100 applicants, or 1 percent, would be able to save the cost of operating an airplane, the total savings per year would range from \$200,000 to \$550,000 per year.

As proposed, part 142 offers several benefits to pilot schools that wish to gain a training center certificate: (1) A training center certificate issued under a central office rather than a decentralized local offices; (2) the ability, under certain provisions, described earlier in the preamble, to provide training programs with fewer than the minimum number of hours required in part 61 or part 141; (3) the opportunity to establish satellite training centers; (4) a certificate with no reoccurring requirement for certificate renewal; (5) provisions to develop innovative training programs; (6) provisions to provide all or partial training, testing, and checking for certificates and ratings in flight simulators or flight training devices; and (7) elimination or reduction of petitions for exemptions for the performance training, testing, and checking in a flight simulator or flight training device.

As an example of the diversity available under the proposal, a part 142 training center could provide a training program in a flight simulator and a flight training device for an instrument rating (for either an airplane or a helicopter). A student could accomplish flight training (for example, initial certification and cross-country requirements) at several different training institutions, then accomplish the instrument portion of the training, and the instrument rating, in a flight simulator or flight training device at a part 142 training center.

An aircraft manufacturer could apply for a proposed part 142 training center certificate. Proposed § 142.103 would permit an aircraft manufacturer's training center to provide initial operating experience (IOE) to a training

cadre of air carrier certificate holders. Such an arrangement could be beneficial to customers, especially when a new aircraft model is introduced.

As proposed, a part 142 training center would provide two benefits to operators under part 121 or part 135. These operators could (1) contract with a part 142 training center to provide training, testing, and checking; or (2) apply for a part 142 training center certificate to provide training, testing, and checking for persons they do not employ. An operator that desired to use a flight simulator or a flight training device in training, testing, or checking its aircrew employees could utilize either of the above options. The operator could train, test, or check its aircrew employees at a part 142 training center; or, if the operator desired to invest in a flight simulator or a flight training device, the operator could maximize the investment by obtaining a part 142 certificate to train, test, or check aircrews it does not employ, as well as its own aircrew employees.

The relaxation and expansion of present requirements as well as the establishment of proposed part 142 training centers could stimulate growth in the development and manufacture of flight simulators and flight training devices. At present, many of these devices have been developed for air carrier, commuter, and corporate operations. If adopted, the proposal could stimulate demand for more flight simulators and flight training devices that represent additional aircraft.

Benefits to flight safety include the removal of training aircraft from airspace, including the congested airport traffic environment, the ability to better focus the flightcrew's attention on the training situation versus the flight environment, and reduced accident rates. Other benefits include a reduction, essentially elimination, of fuel consumed, and a reduction of engine emissions and noise pollution. Flight simulators and flight training devices provide more focused, in-depth, efficient training than do actual aircraft. Maneuvers and procedures can be halted for analysis by the student and the instructor. A broader range of operational and environmental situations can be used.

As the use of flight simulators and flight training devices expands in all aspects of training, safety benefits that would result would include a lower accident rate for instructional training. Because flight simulators and flight training devices enable aircrews to practice maneuvers and procedures that are more difficult or unsafe to duplicate,

and sometimes impossible to practice, in an aircraft, the expansion of these devices would contribute to fewer accidents and incidents.

In the 5 years from 1983 through 1987, the general aviation accident rate for instructional flying increased from 6.51 per 100,000 aircraft hours flown to 6.87 per 100,000 aircraft hours flown. The fatal accident rate rose from 0.45 to 0.61 per 100,000 aircraft hours flown. Even though many of these accidents occurred in single-engine airplanes, the FAA expects that this rate would decrease as the use of part 142 training centers increases.

In addition, greater use of flight simulators and flight training devices could benefit aviation safety by allowing more frequent and more extensive reviews of emergency procedures. Because of airspace complexity and general safety practices, some emergency procedures are not practiced either as often or as extensively as is desirable. The pilot was cited as a cause in approximately 2,055 of the 2,277 fatal accidents that occurred in general aviation airplanes from 1983 through 1987. The pilot was cited as a cause in approximately 145 of the 175 fatal accidents that occurred in general aviation rotorcraft during that period. Based on the average number of fatalities per fatal accident, the FAA estimates that during the 5-year period, more than 4,100 fatalities occurred in airplane and rotorcraft accidents in which the pilot was cited as a cause.

Based on the current value of a statistical fatality avoided, \$1.5 million, the benefit of statistical fatalities avoided would be approximately \$6,200 million over 5 years, or an average of approximately \$1,200 million per year.

The FAA estimates that only 10 percent of fatal accidents occur in aircraft for which emergency training in flight simulators or flight training devices could improve safety. Because flight simulator technology is still developing, an increase in the number of statistical fatalities avoided would probably not appear until at least 3 years after the adoption of the proposal. If only 1 percent of the fatal accidents were averted through emergency training in flight simulators or flight training devices, the cost benefit would amount to \$1.2 million per year.

Reduced general aviation accidents are not the only safety benefit that would result from this proposal. As proposed, part 142 would also expand the use of flight simulators and flight training devices for training persons who are employed by part 121 or part 135 certificate holders. An FAA review of NTSB reports of accidents and

incidents that occurred from 1983 through 1987 in all part 121 and 135 operations found examples of accidents and incidents in which training in a flight simulator or flight training device could have improved safety. These occurrences included emergency landings, landing gear failures, and windshear encounters.

FAA guidance provides an estimated cost to replace destroyed aircraft and restore substantially damaged aircraft and on the estimated values of a statistical fatality avoided (\$1.5 million), a serious injury avoided (\$640,000), and a minor injury avoided (\$2,300). Using these values, the FAA estimates that the average total potential safety benefit is approximately \$180 million per year. This includes approximately \$33 million, in 1990 dollars, for the average annual cost of replacing and restoring aircraft, and approximately \$150 million for the average annual cost of statistical fatalities and injuries avoided. Even if the increased use of flight simulators and flight training devices decreases such occurrences by 0.5 percent, the savings would be approximately \$900,000 per year.

Comparison of Costs and Benefits

The proposal to establish a part 142 training center certificate with the opportunity for additional training, testing, and checking is anticipated to become cost-beneficial after approximately 3 years. After 10 years, the annual cost for the training center national office and the one-time cost for organizations that currently hold exemptions is expected to be approximately \$3.5 million, discounted. Because the benefits of this proposal are contingent on the establishment of proposed part 142 training centers and the training, testing, and checking of pilots at those training centers, and because such instruction is currently performed under exemption, the FAA expects that benefits would not appear until the third year after the adoption of the proposal; however, the total benefits after 10 years are expected to be approximately \$11 million, discounted. According to the FAA's estimates, the benefits of the proposal to establish the part 142 training center would exceed costs by 3 to 1 after 10 years.

Initial Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980 was enacted by Congress to ensure that small entities are not unnecessarily and disproportionately burdened by Government regulations. The RFA requires agencies to review proposed rules that may have a

significant economic impact, either detrimental or beneficial, on a substantial number of small entities.

This proposal could affect various organizations that engage in the training, testing, and checking of aircrews. FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, provides criteria for rulemaking officials to apply when determining if a proposal will have a significant economic impact on a substantial number of small entities. Organizations that could be affected by the proposal include parts 121 and 135 operators of aircraft for hire. The size threshold for these organizations to be considered small entities is a fleet size of nine aircraft or fewer. The threshold annualized cost levels for small entities are approximately \$4,200 to \$108,000 in 1990 dollars for operators of aircraft for hire. (The actual threshold annualized cost levels vary with the size of aircraft and whether operations are scheduled or unscheduled.) The FAA believes that a significant number of training organizations that are not certificated under part 141 employ fewer than ten persons and are therefore considered small entities. According to FAA records, 2,900 operators of aircraft for hire, most of which are unscheduled operators, have a fleet size of nine aircraft or fewer and are therefore considered small entities.

The proposal would incorporate into the FAR practices that are currently permitted by exemption. Any costs that would be incurred would stem from the application for the proposed part 142 certificate. The organizations that currently hold exemptions from part 61 requirements are pilot schools and other entities (i.e., manufacturers, corporations) that perform training, testing, or checking of aircrews; however, none of these exemption holders is considered to be small entities. Compliance with the proposed part 142 certificate is voluntary. Therefore, based on the FAA's initial regulatory evaluation of the proposal, the FAA has determined that the proposal would not have a significant economic impact on part 121 operators or part 135 operators that are considered to be small entities.

International Trade Impact Analysis

The FAA has determined that the proposed rules would not have a significant impact on international trade. The revised rules primarily affect the training of individual pilots and the operations of pilot training. The FAA is of the opinion that the proposal would not affect operators in training foreign

citizens who accomplish pilot training in the United States.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the states, on the relationship between the National Government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this proposed regulation is not major under Executive Order 12291 and that this proposal, if adopted, would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. This proposal is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). An initial regulatory evaluation of the proposal, including a Regulatory Flexibility Determination and Trade Impact Analysis, has been placed in the regulatory docket. A copy may be obtained by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects

14 CFR Part 1

Air transportation.

14 CFR Part 61

Aircraft, Airmen, Reporting and recordkeeping requirements.

14 CFR Part 91

Agriculture, Air traffic control, Aircraft, Airmen, Airports, Aviation safety, Freight, Iraq, Noise control, Political candidates, Reporting and recordkeeping requirements.

14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety, Charter flights, Drug testing, Reporting and recordkeeping requirements, Safety, Transportation.

14 CFR Part 125

Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 135

Air taxis, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

14 CFR Part 141

Airmen, Educational facilities, Reporting and recordkeeping requirements, Schools.

14 CFR Part 142

Administrative practice and procedure, Aircraft, Airmen, Drug testing, Educational facilities, Reporting and recordkeeping requirements.

The Proposed Amendments

In consideration of the foregoing, the Federal Aviation Administration proposes to amend SFAR 58 and parts 1, 61, 91, 121, 125, 135, and 141 of the Federal Aviation Regulations (14 CFR parts 1, 61, 91, 121, 125, 135, and 141) and to add part 142 (14 CFR part 142) as follows:

Special Federal Aviation Regulation 58

1. SFAR 58 2. is amended by revising the definition of *training center* to read as follows:

SFAR No. 58—Advanced Qualification Program

2. Definitions. As used in this SFAR:

Training center means an independent organization certificated under part 142 of this chapter, or an organization approved by the Administrator, to operate under this SFAR prior to [The Effective Date of the Final Rule], that provides training under contract to other arrangement to part 121 or part 135 certificate holders. A training center may be a part 121 or part 135 certificate holder that provides training to another part 121 or part 135 certificate holder, an aircraft manufacturer that provides training to a part 121 or part 135 certificate holder, or any non-certificate holder that provides training to a part 121 or part 135 certificate holder.

2. SFAR 58 11. is amended by adding paragraph (d) to read as follows:
Special Federal Aviation Regulation No. 58—Advanced Qualification Program

11. Approval of Training, Qualification, or Evaluation by a Person who Provides Training by Arrangement.

(d) Approval for the training, qualification, or evaluation by a person who provides training by arrangement authorized by this section expires 2

years from [The Effective Date of the Final Rule]. The requirements for approval of training, qualification, or evaluation by a person who provides training by arrangement are as stated in part 142 of this chapter.

PART 1—DEFINITIONS AND ABBREVIATIONS

3. The authority citation for part 1 continues to read as follows:

Authority: 49 U.S.C. 1347, 1348, 1354(a), 1357(d)(2), 1372, 1421 through 1430, 1432, 1442, 1443, 1472, 1510, 1522, 1652(e), 1655(c), 1657(f), 49 U.S.C. 106(g) (Revised Pub. L. 97-449, Jan. 12, 1983).

4. Section 1.1 is amended by adding the following definitions following the definition of "category III operations":

§ 1.1 General definitions.

(1) Category IIIa. An ILS approach and landing with no decision height (DH), or a DH below 100 feet (30 meters), and controlling runway visual range not less than 700 feet (200 meters).

(2) Category IIIb. An ILS approach and landing with no DH, or with a DH below 50 feet (15 meters), and controlling runway visual range less than 700 feet (200 meters), but not less than 150 feet (50 meters).

(3) Category IIIc. An ILS approach and landing with no DH and no runway visual range limitation.

PART 61—CERTIFICATION: PILOTS FLIGHT INSTRUCTORS

5. The authority citation for part 61 continues to read as follows:

Authority: 49 U.S.C. App. 1354(a), 1355, 1421, 1422, and 1427; 49 U.S.C. 106(g) (Revised Pub. L. 97-449; January 12, 1983).

6. Section 61.1a is added to read as follows:

§ 61.1a Definition of terms.

For the purpose of this part:

(a) *Authorized Instructor* means—

(1) An instructor who has a valid ground instructor certificate or current flight instructor certificate with appropriate ratings issued by the Administrator;

(2) An instructor authorized under SFAR 58, part 121, part 135, or part 142 of this chapter to give instruction under those parts; or

(3) Any other person authorized by the Administrator to give instruction under this part.

(b) *Flight Simulator, Airplane* means a device that—

(1) Is a full-sized airplane cockpit replica of a specific type of airplane, or make, model, and series of airplane;

(2) Includes the hardware and software necessary to represent the airplane in ground operations and flight operations;

(3) Utilizes a force cueing system that provides cues at least equivalent to those cues provided by a 3 degree of freedom motion system;

(4) Utilizes a visual system that provides at least a 45° horizontal field of view and a 30° vertical field of view simultaneously for each pilot; and

(5) Has been evaluated, qualified, and approved by the Administrator.

(c) *Flight Simulator, Helicopter* means a device that—

(1) Is a full-sized helicopter cockpit replica of a specific type of aircraft, or make, model, and series of helicopter;

(2) Includes the hardware and software necessary to represent the helicopter in ground operations and flight operations;

(3) Utilizes a force cueing system that provides cues at least equivalent to those cues provided by a 3 degree of freedom motion system;

(4) Utilizes a visual system that provides at least a 45° horizontal field of view and 30° vertical field of view simultaneously for each pilot; and

(5) Has been evaluated, qualified, and approved by the Administrator.

(d) *Flight Training Device* means a device that—

(1) Is a full-sized replica of instruments, equipment, panels, and controls of an airplane or rotorcraft, or set of airplanes or rotorcraft, in an open flight deck area or in an enclosed cockpit, including the hardware and software for systems installed, necessary to simulate the airplane or rotorcraft in ground operations and flight operations;

(2) Does not require a force (motion) cueing or visual system; and

(3) Has been evaluated, qualified, and approved by the Administrator.

(e) *Set of airplanes or rotorcraft* means airplanes or rotorcraft which all share similar performance characteristics, such as similar airspeed and altitude operating envelope, similar handling characteristics, and the same number and type of propulsion system or systems.

7. Section 61.2 is revised to read as follows:

§ 61.2 Certification of foreign pilots and flight instructors.

(a) A person who is neither a United States citizen nor a resident alien may be issued a pilot certificate or flight instructor certificate under this part

(other than under § 61.75 or § 61.77), outside the United States, only when the Administrator finds that—

(1) The pilot certificate is needed for the operation of a U.S.-registered civil aircraft; or

(2) The flight instructor certificate is needed for the training of students who are citizens of the United States.

(b) Training centers, and their satellite training centers certificated under part 142 of this chapter, may, outside the United States—

(1) Add additional ratings and endorsements to certificates issued by the Administrator under the provisions of this part; and

(2) Issue certificates to United States citizens within the authority granted to that training center by the Administrator.

8. Section 61.3 is amended by revising the introductory text of paragraph (d) and by adding a new paragraph (i) to read as follows:

§ 61.3 Requirement for certificates, ratings, and authorizations.

(d) Unless otherwise authorized by the Administrator, no person other than the holder of a flight instructor certificate issued in accordance with Subpart G of this part, with an appropriate rating on that certificate, may—

(i) Category III pilot authorization.

(1) No person may act as pilot in command of a civil aircraft during Category III operations unless—

(i) That person holds a current Category III pilot authorization for that category or class of aircraft, and the type of aircraft, if applicable; or

(ii) In the case of a civil aircraft of foreign registry, that person is authorized by the country of registry to act as pilot in command of that aircraft in Category III operations.

(2) No person may act as second in command of a civil aircraft during Category III operations unless that person—

(i) Holds a valid pilot certificate with category and class ratings for that aircraft and a current instrument rating for that category aircraft;

(ii) Holds an airline transport pilot certificate with category and class ratings for that aircraft; or

(iii) In the case of a civil aircraft of foreign registry, is authorized by the country of registry to act as second in command of that aircraft during Category III operations.

9. A new section 61.4 is added to read as follows:

§ 61.4 Qualification and approval of flight simulators and flight training devices.

Each flight simulator and each flight training device used for training, testing, and checking under this part must be qualified and approved by the Administrator for—

(a) The training, testing, and checking for which it is used;

(b) Each particular maneuver, procedure, or crewmember function performed; and

(c) The representation of the specific category and class of aircraft, type of aircraft, particular variation within type of aircraft, or set of aircraft in the case of some flight training devices.

10. Section 61.13 is amended by revising paragraph (e) to read as follows:

§ 61.13 Application and qualification.

(e) The following requirements apply to a Category II pilot authorization and to a Category III pilot authorization:

(1) The authorization is issued by a letter of authorization as a part of the applicant's instrument rating or airline transport pilot certificate.

(2) Upon original issue the authorization contains a visibility limitation—

(i) For Category II operations, the limitation is 1,600 feet RVR and a 150-foot decision height; and

(ii) For Category III operations, each initial limitation is specified in the authorization document.

(3) Limitations on an authorization may be removed as follows:

(i) In the case of Category II limitations, a limitation is removed when the holder shows that, since the beginning of the sixth preceding month, the holder has made three Category II ILS approaches with a 150-foot decision height to a landing under actual or simulated instrument conditions.

(ii) In the case of Category III limitations, a limitation is removed as specified in the authorization.

(4) For the practical test required by this part for a Category II or a Category III authorization, a flight simulator or flight training device may be used for simulated instrument conditions, if approved by the Administrator for simulated instrument conditions.

11. Section 61.21 is amended by revising the section heading and the first sentence to read as follows:

§ 61.21 Duration of Category II and Category III pilot authorization.

A Category II pilot authorization and a Category III pilot authorization expire

on the last day of the sixth month after the month last issued or renewed. * * *

12. Section 61.39 is amended by adding new paragraphs (a)(6) and (a)(7) to read as follows:

§ 61.39 Prerequisites for flight tests.

(a) * * *

(6) If all increments of the practical test for a certificate or rating are not taken on one date, all remaining increments of the test must be completed not more than 60 calendar days after the date on which the applicant begins the test.

(7) If all increments of the practical test are not satisfactorily completed within 60 calendar days as required by paragraph (a)(6) of this section, the applicant must retake the entire practical test, including those increments satisfactorily completed.

13. Section 61.45 is amended by revising the section title and paragraphs (a), (c), and (d) to read as follows:

§ 61.45 Practical tests: Required aircraft and equipment.

(a) *General.* Except when an applicant for a certificate or rating under this part is permitted to accomplish the entire flight increment of the practical test in a qualified and approved flight simulator or in a qualified and approved flight training device, the applicant—

(1) Must furnish for each required test, except as provided by paragraph (a)(2) of this section, an aircraft of United States registry—

(i) Of the category and class aircraft, and type aircraft, if applicable, for which the applicant is applying for a certificate or rating; and

(ii) That has a current standard or limited airworthiness certificate.

(2) At the discretion of the person authorized by the Administrator to conduct the test, the applicant may furnish—

(i) An aircraft that has a current airworthiness certificate other than standard or limited, but that otherwise meets the requirement of paragraph (a)(1) of this section;

(ii) An aircraft of the category and class, and type aircraft, if applicable, of foreign registry that is certificated by the country of registry; or

(iii) A military aircraft of the category and class aircraft, and type aircraft, if applicable, for which the applicant is applying for a certificate or rating.

(b) * * *

(c) *Required controls.* An applicant must furnish for each practical test an aircraft—

(1) (Other than lighter-than-air) listed in paragraph (a) of this section.

(2) That has engine controls and flight controls—

(i) That are easily reached; and
(ii) Unless the evaluator conducting the test accepts otherwise, that can be operated in a conventional manner by both the applicant and the evaluator.

(d) *Simulated instrument flight equipment.* An applicant for any practical test involving flight maneuvers and flight procedures accomplished solely by reference to instruments, must furnish equipment that—

(1) Excludes the applicant's visual reference to objects outside the aircraft; and

(2) Is otherwise acceptable to the Administrator.

14. Section 61.51 is amended by revising paragraphs (b)(1)(ii), (b)(1)(iv), (b)(3)(iii), (c)(2)(i), (c)(4), and (c)(5), and by adding new paragraphs (b)(2)(viii) and (c)(2)(iv) to read as follows:

§ 61.51 Pilot logbooks.

(b) * * *

(1) * * *

(ii) Total time of flight or lesson.

(iii) * * *

(iv) Type and identification of aircraft, flight simulator, or flight training device.

(2) * * *

(viii) Instruction in a flight simulator or instruction in a flight training device.

(3) * * *

(iii) Simulated instrument conditions in actual flight, in a flight simulator, or in a flight training device.

(c) * * *

(2) * * *

(i) A private or commercial pilot may log as pilot-in-command time that flight time when the pilot is—

(A) The sole manipulator of the controls of an aircraft for which the pilot is rated; or

(B) Acting as pilot in command of an aircraft on which more than one pilot is required under the type certification of the aircraft or the regulation under which the flight is conducted.

(iv) A recreational pilot may log as pilot-in-command time only that time when the pilot is the sole manipulator of the controls of an aircraft for which the pilot is rated.

(4) Instrument flight time.

(i) Except as provided in paragraph (c)(4)(iv) of this section, a pilot may log as instrument flight time only that time when the pilot operates an aircraft solely by reference to instruments under

actual or simulated instrument flight conditions.

(ii) For simulated instrument conditions a qualified and approved flight simulator or qualified and approved flight training device may be used.

(iii) Each entry in the pilot logbook must include—

(A) The place and type of each instrument approach completed; and

(B) The name of the safety pilot for each simulated instrument flight conducted in flight.

(iv) An instrument flight instructor conducting instrument flight instruction in actual instrument weather conditions may log instrument time.

(5) Instruction time. All time logged as instruction time must be certified by the authorized instructor from whom it was received.

15. Section 61.55 is amended by revising paragraphs (b)(2)(ii) and by adding new paragraphs (b)(3)(1), (b)(3)(ii), and (b)(4) to read as follows:

§ 61.55 Second-in-command qualifications.

(b) * * *

(2) * * *

(ii) Engine-out procedures and maneuvering with an engine out while executing the duties of a pilot in command.

(3) The requirements of this paragraph (b) may be accomplished in a flight simulator that is—

(i) Qualified and approved by the Administrator for such purposes; and

(ii) Used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter.

(4) An applicant for an initial second-in-command qualification for a particular category and class of aircraft, and type of aircraft, if applicable, shall satisfactorily complete during the qualification test a minimum of one takeoff and one landing in an aircraft of the same category and class of aircraft, and type of aircraft, if applicable, for which the qualification is sought.

16. Section 61.56 is amended by revising paragraph (e) and adding a new paragraph (h) to read as follows:

§ 61.56 Flight review.

(e) An applicant who has, within the period specified in paragraphs (c) and (d) of this section, satisfactorily completed a test for a pilot certificate, rating, or operating privilege, need not

accomplish the flight review required by this section if the test was conducted by a person authorized by the Administrator, or authorized by a United States Armed Force, to conduct the check.

(h) A flight simulator or flight training device may be used to meet the flight review requirements of this section subject to the following conditions:

(1) The flight simulator or flight training device must be approved by the Administrator for that purpose.

(2) The flight simulator or flight training device must be used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter.

(3) Unless the review is undertaken in a flight simulator that is approved for landings, the applicant must meet the takeoff and landing requirements of § 61.57 (c) or (d) of this part.

(4) The flight simulator or flight training device used must represent an aircraft, or set of aircraft, for which the pilot is rated.

17. Section 61.57 is amended by revising the section heading and paragraphs (c), (d), and (e) to read as follows:

§ 61.57 Pilot-in-command currency.

(c) General experience.

(1) Except as otherwise provided in this paragraph (c), no person may act as pilot in command of an aircraft carrying passengers, or of an aircraft certificated for more than one required pilot flight crewmember, unless that person meets the following requirements—

(i) Within the preceding 90 calendar days, that person must have made three takeoffs and three landings as the sole manipulator of the flight controls in an aircraft of the same category and class and, if a type rating is required, of the same type of aircraft.

(ii) If the aircraft operated under paragraph (c)(1)(i) of this section is a tailwheel airplane, that person must have made to a full stop the landings required by that paragraph.

(2) For the purpose of meeting the requirements of this section, a person may act as pilot in command of a flight under day visual flight rules (VFR) or day instrument flight rules (IFR) if no persons or property are carried other than as necessary for compliance with this part.

(3) This paragraph (c) does not apply to operations conducted under part 121 or part 135 of this chapter.

(4) The takeoffs and landings required by paragraph (c)(1) of this section may

be accomplished in a flight simulator or flight training device subject to the following—

(i) The flight simulator or flight training device must have been qualified and approved by the Administrator for landings; and

(ii) The flight simulator or flight training device must be used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter.

(d) Night experience.

(1) No person may act as pilot in command of an aircraft carrying passengers at night (the period beginning 1 hour after sunset and ending 1 hour before sunrise (as published in the American Air Almanac) unless, within the preceding 90 days, that person has made not fewer than three takeoffs and three landings to a full stop, at night, as the sole manipulator of the flight controls in the same category and class of aircraft.

(2) Paragraph (d)(1) of this section does not apply to operations conducted under part 121 or part 135 of this chapter.

(3) The takeoffs and landings required by paragraph (d)(1) of this section may be accomplished in a flight simulator that is—

(i) Qualified and approved by the Administrator for takeoffs and landings, if the visual system is adjusted to represent the time of day described in paragraph (d)(1) of this section; and

(ii) Used in accordance with an approved course conducted by a training center certificated under part 142 of this chapter.

(e) Instrument currency.

(1) No person may act as pilot in command under IFR, or in weather conditions less than the minimums prescribed for VFR, unless, within the preceding 6 calendar months, that person has—

(i) In the case of an aircraft other than a glider—

(A) Logged at least 6 hours of instrument time including at least six instrument approaches under actual or simulated instrument conditions, at least 3 hours of which must have been in aircraft other than gliders; or

(B) Passed an instrument competency test as described in paragraphs (e)(2) and (e)(3) of this section; or

(ii) In the case of a glider, the person must have logged at least 3 hours of instrument time, at least half of which was in a glider or an airplane, except that the person may not carry a passenger in the glider until that person has completed at least 3 hours of instrument flight time in a glider.

(2) A person who does not meet the recent instrument experience requirements of paragraph (e)(1) of this section during the prescribed time, or within 6 calendar months thereafter, may not serve as pilot in command under IFR, or in weather conditions less than the minimums prescribed for VFR, until that person passes an instrument competency test in the category and class of aircraft involved, given by a person authorized by the Administrator to conduct the test.

(3) The Administrator may authorize the conduct of all or part of the test required by paragraph (e)(2) of this section in a qualified and approved flight simulator or flight training device.

18. Section 61.58 is revised to read as follows:

§ 61.58 Pilot-in-command proficiency check: Operation of aircraft requiring more than one required pilot.

(a) Except as otherwise provided in this section, to serve as pilot in command of an aircraft that is type certificated for more than one required pilot crewmember, a person must—

(1) Within the preceding 12 calendar months, complete a pilot-in-command check in an aircraft that is type certificated for more than one required pilot crewmember; and

(2) Within the preceding 24 calendar months, complete a pilot-in-command check in the particular type of aircraft in which that person will serve as pilot in command.

(b) This section does not apply to persons conducting operations subject to Subparts N and O of part 121, SFAR 58, part 125, part 127, part 133, part 135, or part 137 of this chapter.

(c) The pilot-in-command checks given in accordance with the provisions of part 121, part 125, part 127, or part 135 of this chapter may be used to satisfy the requirements of this section.

(d) The pilot-in-command checks required by paragraph (a) of this section may be accomplished by satisfactory completion of one of the following:

(1) A pilot-in-command check conducted by a person authorized by the Administrator, consisting of the maneuvers and procedures required for a type rating.

(2) The practical test required for a type rating.

(3) The initial or periodic practical test required for the issuance of a pilot examiner or a check airman designation: or

(4) A military flight check required for a pilot in command with instrument privileges, in an aircraft that the military

requires to be operated by more than one pilot.

(e) Except as provided in paragraphs (f) and (g) of this section, if an applicant for a check required by this section has satisfactorily completed a pilot-in-command check within the period required by paragraph (a)(1) or (a)(2) of this section, a check or a test described in paragraphs (d)(1) through (d)(4) of this section may be accomplished in a flight simulator qualified and approved under part 142 of this chapter subject to the following:

(1) If an otherwise qualified and approved flight simulator used for a pilot-in-command proficiency check is not qualified and approved for a specific required maneuver—

(i) The training center shall annotate, in the applicant's training record, the maneuver or maneuvers omitted; and

(ii) Prior to acting as pilot in command, the pilot shall demonstrate proficiency in each omitted maneuver in an aircraft or flight simulator qualified and approved for each omitted maneuver.

(2) Except as provided in paragraph (e)(3) of this section, the circling approach maneuvers of the proficiency check must be accomplished in a qualified and approved flight simulator equipped with a visual system that permits accomplishment of the circling approach task.

(3) If the flight simulator used pursuant to this paragraph is not qualified and approved for circling approaches—

(i) The applicant's record shall be annotated with the statement, "Proficiency in circling approaches not demonstrated;" and

(ii) The applicant may not perform circling approaches as pilot in command when weather conditions are less than the basic VFR conditions described in § 91.155 of this chapter, until proficiency in circling approaches has been successfully demonstrated in an approved simulator or aircraft to a person authorized by the Administrator to conduct the check required by this section.

(f) If a pilot has not completed a pilot-in-command proficiency check within the period required by paragraph (a)(1) or (a)(2) of this section, that pilot must complete the required pilot-in-command proficiency check in an aircraft.

(g) The first pilot-in-command proficiency check required by paragraph (a)(1) and (a)(2) of this section must be completed in an aircraft.

(h) For the purpose of meeting the check requirements of paragraph (a) of this section, a person may act as pilot in command of a flight under day VFR

conditions or day IFR conditions if no person or property is carried, other than as necessary to demonstrate compliance with this part.

(i) If a pilot takes the check required by this section in the calendar month before, or the calendar month after, the month in which it is due, the pilot is considered to have taken it when due, and the future proficiency check due dates do not change.

19. Section 61.63 is amended by revising paragraph (a) and the section heading to read as follows:

§ 61.63 Additional aircraft ratings for other than airline transport pilot certificates (for parts 121 and 135 use only).

(a) General. To be eligible for an additional aircraft rating to a pilot certificate, an applicant who is a pilot crewmember employee of a part 121 certificate holder or a part 135 certificate holder must meet the requirements of paragraphs (b) through (d) of this section, as applicable to the rating sought.

* * *

20. A new section 61.64 is added to read as follows:

§ 61.64 Additional aircraft ratings for other than airline transport pilot certificates (for other than parts 121 and 135 use).

(a) General. To be eligible for an additional aircraft rating to a pilot certificate, an applicant who is not a crewmember employee applicant of a part 121 training program or a part 135 training program must meet the requirements of paragraphs (b) through (i) of this section, applicable to the rating sought.

(b) Category rating. An applicant who holds a pilot certificate and applies to add a category rating must meet the following requirements:

(1) Present a record of training certified by an authorized flight instructor showing that the applicant has—

(i) Received ground training on the aeronautical knowledge areas applicable to the pilot certificate and aircraft category and class rating sought;

(ii) Received flight training on the areas of operation applicable to the pilot certificate and aircraft category and class rating sought;

(iii) Been found competent by the certifying flight instructor in the aeronautical knowledge areas required for the pilot certificate to which the added aircraft category rating would apply; and

(iv) Been found competent by the certifying flight instructor in the areas of operation required for the pilot

certificate to which the added aircraft category rating would apply.

(2) Pass the required knowledge test, applicable to the pilot certificate and aircraft category and class rating sought; and

(3) Pass a practical test—

(i) Required for the pilot certificate held; and

(ii) Required for the category and class rating sought.

(c) Class rating. An applicant who holds a pilot certificate and applies to add a class rating must meet the following requirements:

(1) The applicant must present a record certified by an authorized flight instructor showing that the applicant has—

(i) Received flight instruction in the class of aircraft on the areas of operation applicable to the pilot certificate and aircraft class rating sought;

(ii) Received ground training on the aeronautical knowledge areas applicable to the pilot certificate and aircraft class rating sought;

(iii) Been found competent by the certifying flight instructor in the aeronautical knowledge areas applicable to the pilot certificate to which the category and class rating would apply; and

(iv) Been found competent by the certifying flight instructor in the areas of operation applicable to the pilot certificate to which the aircraft class rating would apply;

(2) Pass a knowledge test, appropriate to the pilot certificate and aircraft class rating sought; and

(3) Pass a practical test—

(i) Required for the pilot certificate held; and

(ii) Required for the category and class rating sought.

(d) Type rating. An applicant who holds a pilot certificate and applies to add a type rating must meet the following requirements—

(1) Present a record of training certified by an authorized ground or flight instructor that shows that the applicant has—

(i) Received ground training on the aeronautical knowledge areas applicable to the type rating sought;

(ii) Received flight training on the areas of operation applicable to the type rating sought; and

(iii) Been found competent by the certifying flight instructor in the areas of operation required for the issue of the pilot certificate for which the aircraft type rating is sought.

(2) Passed a required practical test on the areas of operation listed in § 61.158

or § 61.163 of this part, as applicable, for the aircraft type rating sought.

(3) If the applicant does not hold an instrument rating, in addition to the tasks required by paragraph (d)(2) of this section, the applicant must also demonstrate competency in the operations required by § 61.65(g) of this part.

(e) The tasks required by paragraphs (b), (c), and (d) of this section shall be performed in—

(1) An airplane of the same type, for which the type rating is sought; or

(2) Subject to the limitations of paragraph (e)(3) of this section, a flight simulator or a flight training device that represents the airplane type for which the type rating is sought.

(3) The flight simulator or flight training device use permitted by paragraph (e)(2) of this section shall be conducted in accordance with an approved course at a training center certificated under part 142 of this chapter; or

(4) In another manner approved by the Administrator.

(f) An applicant for a type rating who provides an aircraft not capable of the instrument maneuvers and procedures required by § 61.158 or § 61.163 of this part for the practical test may—

(1) Obtain a type rating limited to "VFR only;" and

(2) Remove the "VFR only" limitation for each aircraft type in which the applicant demonstrates compliance with the instrument requirements of § 61.158 or § 61.163 or the requirements of § 61.73(e)(2) of this part.

(g) An applicant for a type rating may be issued a certificate with the limitation "VFR only" for each aircraft type not equipped for the applicant to show instrument competency.

(h) An applicant for a type rating in a multiengine, single-pilot-station airplane may meet the requirements of this part in another multiengine airplane.

(i) An applicant for a type rating in a single-engine, single-pilot-station airplane may meet the requirements of this part in another single-engine or multiengine airplane if the applicant meets the instrument currency requirements of § 61.57(e) of this part.

21. Section 61.65 is amended by removing and reserving paragraphs (d) and (f); revising paragraph (b) introductory text, paragraph (c) introductory text and (c)(1), (c)(3), (c)(4), and (c)(5), paragraph (e) introductory text and (e)(2) and (g); and adding paragraphs (c)(6) and (h) to read as follows:

§ 61.65 Instrument rating requirements.

(b) *Ground instruction and written test.* An applicant for the written test for an instrument rating must have received ground instruction or have logged home study in, and passed a written test on, at least the following areas of aeronautical knowledge applicable to the rating sought:

(c) *Flight instruction.* Except as otherwise provided in this paragraph, an applicant for the practical test for an instrument rating must present a record certified by an authorized flight instructor showing instrument flight instruction and competency in an aircraft of the same category for which the instrument rating is sought, in each of the following areas of operations:

(1) Control and accurate maneuvering of the aircraft solely by reference to instruments.

(2) * * *

(3) Instrument approaches to published minimums using two different nonprecision approach systems and one precision approach system.

(4) Cross-country flight in an aircraft in simulated or actual IFR conditions, on Federal airways or as routed by air traffic control (ATC), subject to the following:

(i) The flight must be at least 250 nautical miles (100 nautical miles for helicopters) including a minimum of one precision instrument approach and two nonprecision instrument approaches.

(ii) Each instrument approach must be accomplished at a different airport.

(iii) If the departure and final destination airports are the same airport, the destination airport may be considered as the third airport.

(iv) No approach need be done more than once.

(5) Simulated emergencies involving equipment or instrument malfunctions, missed approach procedures, deviations to unplanned alternates, recovery from unusual attitudes, loss of communications, and simulated loss of power on at least one-half of the engines if a multiengine aircraft is used.

(6) Flight instruction required by paragraphs (c)(1), (c)(2), (c)(3), and (c)(5) of this section may be accomplished in a qualified and approved flight simulator or in a qualified and approved flight training device.

(d) [Reserved]

(e) *Flight experience.* Except as provided in paragraph (h) of this section, an applicant for an instrument rating must have at least the following flight time as a pilot:

(1) * * *

(2) 40 hours of simulated or actual instrument time, which may include—

(i) Not more than a combined total of 20 hours of instrument instruction by an authorized instructor in a qualified and approved flight simulator or in a qualified and approved flight training device; or

(ii) Not more than 30 hours of instrument instruction accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(3) * * *

(f) [Reserved]

(g) *Practical test.* An applicant for an instrument rating must pass a practical test consisting of an oral increment and a flight increment.

(1) The flight increment required by this paragraph (g) may be accomplished in any category, class, and type aircraft that is certificated for flight in instrument conditions, or in a qualified and approved flight simulator or qualified and approved flight training device.

(2) The practical test required by this paragraph (g) must include instrument flight procedures, selected by the person authorized by the Administrator to conduct the practical test, to determine the applicant's ability to perform competently the IFR operations described in paragraph (c) of this section.

(3) The following requirements of the practical test must be accomplished in an aircraft or in a qualified and approved flight simulator:

(i) At least one published precision, nonprecision, and circling approach.

(ii) At least one landing.

(iii) At least one cross-country flight.

(h) *Training qualifications.* An applicant for the instrument rating who has satisfactorily completed an approved course of training conducted at a training center certificated under part 142 of this chapter must have—

(1) A total of at least 95 hours of pilot flight time, including at least 35 hours of simulated or actual instrument flight time; or

(2) Satisfactorily completed the requirements of an approved instrument rating course at a part 142 certified training center that has received approval from the Administrator to conduct a course of training satisfying the requirements of the instrument rating in—

(i) Fewer than 95 hours of pilot flight time; or

(ii) Fewer than 35 hours of simulated instrument time or actual instrument time.

22. Section 61.67 is amended by revising paragraphs (a)(2), (b), (b)(1), (b)(2), (c)(1) (ii) and (c)(2), (d)

introductory text, (d)(1) introductory text, and (d)(2), and by adding paragraphs (c)(3) through (c)(6), (d)(3) and (e) to read as follows:

§ 61.67 Category II pilot authorization requirements.

(a) * * *

(2) A type rating for an aircraft that requires a type rating.

(b) *Experience requirements.* An applicant for a Category II authorization must have at least—

(1) 50 hours of night flight time as pilot in command;

(2) 75 hours of instrument time during actual or simulated instrument conditions that may include not more than a combined total of—

(i) 25 hours of simulated instrument flight time in qualified and approved flight simulators or qualified and approved flight training devices; or

(ii) 40 hours of simulated instrument flight time if accomplished in an approved course conducted by an appropriately rated training center certificated under part 142 of this chapter.

(c) * * *

(1) * * *

(ii) An applicant for the addition of another type aircraft to a previously held authorization received within the preceding 24 months.

(2) To be eligible for the practical test, an applicant must—

(i) Meet the requirements of paragraphs (a) and (b) of this section;

(ii) Hold the appropriate class rating; and—

(iii) Within the preceding 12 calendar months, pass a practical test that includes Category II operations; or

(iv) Meet the following recent experience requirements—

(A) The requirements of § 61.57(e); and

(B) At least six ILS approaches since the beginning of the sixth month before the test, subject to the following:

(1) The approaches must be conducted under actual or simulated instrument flight conditions.

(2) The approaches must be conducted down to the minimum decision height for the ILS approach in the type aircraft in which the practical test is to be conducted.

(3) The approaches may be accomplished in a flight simulator that—

(i) Represents an aircraft of the same category and class of aircraft, and type of aircraft, as applicable, as the aircraft in which the authorization is sought;

(ii) Is used in accordance with an approved course conducted by a

training center certificated under Part 142 of this chapter.

(3) The approaches may be accomplished in an aircraft of the same category and class of aircraft, and type of aircraft, as applicable, as the aircraft in which the practical test is to be conducted.

(4) The approaches need not be conducted down to the alert height or decision height, as applicable, authorized for Category II operations only if conducted in a qualified and approved flight simulator or qualified and approved flight training device.

(5) At least three of the approaches required by paragraph (c)(2)(iv)(B) of this section must be conducted manually, without the use of an approach coupler.

(6) The flight time acquired in meeting the requirements of paragraph (c)(2)(iv)(B) of this section may be used to meet the requirements of paragraph (c)(2)(iv)(A) of this section.

(d) *Practical test procedures.* The practical test consists of two increments:

(1) Oral increment. The applicant must demonstrate knowledge of the following:

(2) Flight increment. The flight increment shall consist of the following:

(i) At least two ILS approaches to 100 feet AGL including at least one landing and one missed approach.

(ii) All approaches must be made with the approved flight control guidance system, except that if an approved automatic approach coupler is installed, at least one approach must be hand flown using flight director commands.

(iii) If a multiengine airplane with the performance capability to execute a missed approach with one engine inoperative is used, one missed approach must be executed with an engine, which shall be the most critical engine, if applicable, set at idle or zero thrust before reaching the middle marker.

(iv) If a flight simulator is used, the missed approach must be executed with an engine, which shall be the most critical engine, if applicable, failed.

(v) For authorizations for aircraft that require a type rating, the test must be performed in coordination with a second in command who holds a type rating in the aircraft in which the authorization is sought.

(3) Oral questioning may be conducted at any time during the practical test.

(e) *Duration of authorization.*

(1) A Category II authorization expires at the end of the sixth month after it was last issued or renewed.

(2) Renewal of either a Category II authorization or a Category III authorization shall be considered Category II authorization renewal for each type aircraft for which an authorization is held, subject to the limitation of paragraph (e)(3) of this section.

(3) A renewal for any particular type aircraft shall not extend the expiration date of a Category II authorization for any other type aircraft.

(4) An authorization renewed in the month before expiration is considered to have been renewed in the month in which the authorization would have expired.

23. Section 61.68 is added to read as follows:

§ 61.68 Category III pilot authorization requirements.

(a) General. An applicant for a Category III pilot authorization must hold—

(1) A pilot certificate with an instrument rating or airline transport pilot certificate;

(2) A valid medical certificate;

(3) A category and class rating, for the aircraft for which the authorization is sought; and

(4) A type rating for the aircraft for which the authorization is sought, if that aircraft requires a type rating.

(b) *Experience requirements.* An applicant for a Category III authorization must have at least—

(1) 50 hours of night flight time as pilot in command;

(2) Except as provided in paragraph (c) of this section, 75 hours of instrument flight time during actual or simulated instrument conditions that may include not more than a combined total of 25 hours of simulated instrument flight time in qualified and approved flight simulators or qualified and approved flight training devices; and

(3) 250 hours of cross-country flight time as pilot in command.

(c) The instrument flight time allowed in flight simulators or flight training devices under paragraph (b)(2) of this section may be increased to not more than 40 hours if accomplished in an approved course conducted by a training center certificated under Part 142 of this chapter.

(d) *Practical test required.* (1) An applicant for a Category III authorization must pass a practical test, including both an oral and a flight increment—

(i) For issue of an authorization or renewal of an authorization; and

(ii) For the addition of another type aircraft to a previously held authorization.

(2) An applicant for a Category III authorization required by paragraph (d)(1) of this section must:

(i) Comply with the requirements of § 61.57(e) of this part.

(ii) Conduct at least six ILS approaches since the beginning of the sixth month before the practical test, which must be—

(A) Conducted under actual or simulated instrument flight conditions and flown down to the minimum altitude for the ILS approach;

(B) Accomplished in a flight simulator or flight training device that—

(1) Represents an aircraft of the same category and class of aircraft, and type of aircraft, as applicable, as the aircraft in which the authorization is sought; and

(2) Is used in accordance with an approved course conducted by a training center certificated under Part 142 of this chapter; or

(C) Accomplished in an aircraft of the same category and class of aircraft, and type of aircraft, as applicable, in which the practical test is to be conducted.

(D) Conducted down to the alert height or decision height, as applicable, authorized for Category III operations only if conducted in a qualified and approved flight simulator or qualified and approved flight training device.

(e) *Practical test procedures.* The practical test consists of two increments:

(1) Oral increment. The applicant must demonstrate knowledge of the following:

(i) Required landing distance.

(ii) Determination and recognition of the alert height or decision height, as applicable, including use of a radar altimeter.

(iii) Recognition of and proper reaction to significant failures encountered prior to and after reaching the alert height or decision height, as applicable.

(iv) Missed approach procedures and techniques using computed or fixed attitude guidance displays and expected height loss as they relate to manual go-around or automatic go-around and initiation altitude, as applicable.

(v) The use and limitations of RVR, including determination of controlling RVR and required transmitters.

(vi) The use, availability, or limitations of visual cues and the altitude at which they are normally discernible at reduced RVR readings including—

(A) Unexpected deterioration of conditions to less than minimum RVR during approach, flare, and rollout;

(B) Demonstration of expected visual references with weather at minimum conditions; and

(C) The expected sequence of visual cues during an approach in which visibility is at or above landing minima.

(vii) Procedures and techniques for making a transition from instrument reference flight to visual flight during a final approach under reduced RVR.

(viii) Effects of vertical and horizontal wind shear.

(ix) Characteristics and limitations of the ILS and runway lighting system.

(x) Characteristics and limitations of the flight director system auto approach coupler (including split axis type if so equipped), auto throttle system, if applicable, and other Category III equipment, as applicable.

(xi) Assigned duties of the second in command during Category III approaches, unless the aircraft for which authorization is sought does not require a second in command.

(xii) Recognition of the limits of acceptable aircraft position and flight path tracking during approach, flare, and, if applicable, rollout.

(xiii) Recognition of, and reaction to, airborne or ground system faults or abnormalities, particularly after passing alert height or decision height, as applicable.

(2) Flight increment. The flight increment shall consist of the following:

(i) At least two ILS approaches to 100 feet AGL, including one landing and one missed approach initiated from a very low altitude that may result in a touchdown during the go-around maneuver.

(ii) All approaches must be made with the approved automatic landing system or an equivalent landing system approved by the Administrator.

(iii) If a multiengine aircraft with the performance capability to execute a missed approach with one engine inoperative is used, a missed approach shall be executed with an engine, which shall be the most critical engine, if applicable, set at idle or zero thrust before reaching the middle or outer marker.

(iv) If a flight simulator or flight training device is used, a missed approach must be executed with an engine, which shall be the most critical engine, if applicable, failed.

(v) Subject to the limitations of paragraph (e)(2)(vi) of this section, for Category IIIb operations predicated on the use of a fail-passive rollout control system, the test shall include at least one manual rollout using visual reference or a combination of visual and instrument references.

(vi) The maneuver required by paragraph (e)(2)(v) of this section shall be initiated by a fail-passive disconnect of the rollout control system—

(A) After main gear touchdown;

(B) Prior to nose gear touchdown;

(C) In conditions representative of the most adverse lateral touchdown displacement allowing a safe landing on the runway; and

(D) In weather conditions anticipated in Category IIIb operations.

(3) For authorizations for aircraft that require a type rating, the test must be performed in coordination with a second in command who holds a type rating in the aircraft in which the authorization is sought.

(4) Oral questioning may be conducted at any time during the practical test.

(f) Duration of authorization.

(1) A Category III authorization expires at the end of the sixth month after it was last issued or renewed.

(2) Renewal of a Category III authorization shall be considered an authorization renewal for each type aircraft for which an authorization is held, subject to the limitation of paragraph (f)(3) of this section.

(3) The renewal of a Category III authorization for any particular type aircraft shall not extend the expiration date for an authorization for any other type aircraft.

(4) An authorization renewed in the month before expiration is considered to have been renewed in the month the authorization expired.

24. Section 61.109 is revised to read as follows:

§ 61.109 Airplane rating: Aeronautical experience.

Except as provided in paragraph (i) of this section, an applicant for a private pilot certificate with an airplane category rating must have at least the following aeronautical experience:

(a) At least 20 hours of flight instruction from an authorized instructor, including at least—

(1) 3 hours of cross-country flight.

(2) 3 hours of flight at night, including ten takeoffs and ten landings for applicants seeking night flying privileges.

(3) 3 hours in airplanes in preparation for the private pilot practical test within 60 calendar days prior to that test.

(b) At least 20 hours of solo flight time, including at least—

(1) 10 hours of flight in airplanes;

(2) 10 hours of cross-country flight; and

(3) Three solo takeoffs and landings to a full stop at an airport with an operating control tower.

(c) Each flight required by paragraph (b)(2) of this section must include—

(1) A landing at a point more than 50 nautical miles from the original departure point; and

(2) One flight of at least 300 nautical miles with landings at a minimum of three points, one of which is at least 100 nautical miles from the original departure point.

(d) An applicant who does not meet the night flying requirement of paragraph (a)(2) of this section may be issued a private pilot certificate bearing the limitation "night flying prohibited."

(e) The limitation required by paragraph (d) of this section may be removed if the holder of the certificate shows that he or she has met the requirements of paragraph (a)(2) of this section.

(f) Except as provided in paragraph (g) of this section, a maximum of 2.5 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total hours required by paragraph (a) of this section if the instruction is accomplished in a flight simulator or in a flight training device representing an airplane.

(g) A maximum of 5 hours of flight simulator instruction or flight training device instruction may be credited toward the total hours required by paragraph (a) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(h) Flight simulator or flight training device instruction must be accomplished in a flight simulator, or in a flight training device, representing an airplane.

(i) Except as otherwise approved by the Administrator, an applicant for a private pilot certificate with an airplane rating who has satisfactorily completed an approved private pilot course conducted by a training center certificated under part 142 of this chapter must have a total of at least 35 hours of pilot flight time in aircraft, flight simulators, or flight training devices.

25. Section 61.113 is revised to read as follows:

§ 61.113 Rotorcraft rating: Aeronautical experience.

Except as provided in paragraph (e) of this section, an applicant for a private pilot certificate with a rotorcraft category rating must have at least the following aeronautical experience:

(a) For a helicopter class rating, 40 hours of flight instruction and solo flight time including at least—

(1) 20 hours of flight instruction from an authorized flight instructor, 15 hours of which must be in a helicopter, including—

(i) 3 hours of cross-country flying in helicopters;

(ii) 3 hours of night flying in helicopters, including 10 takeoffs and 10 landings, each of which must be separated by an en-route phase of flight;

(iii) 3 hours in helicopters in preparation for the private pilot practical test within 60 calendar days before that test;

(iv) A flight in a helicopter with a landing at a point other than an airport; and

(2) 20 hours of solo flight time, 15 hours of which must be in a helicopter, including at least—

(i) 3 hours of cross-country flying in helicopters, including one flight with a landing at three or more points, each of which must be more than 25 nautical miles from each of the other landing points; and

(ii) Three takeoffs and three landings in helicopters at airports or heliports with operating control towers, each separated by an en-route phase of flight.

(3) Except as provided in paragraph (a)(4) of this section, a maximum of 2.5 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total hour requirement of paragraph (a) of this section if the instruction is accomplished in a flight simulator or in a flight training device representing a helicopter.

(4) A maximum of 5 hours of flight simulator instruction or flight training device instruction may be credited toward the total hours required by paragraph (a) of this section if the instruction is accomplished in a course conducted by a training center certificated under Part 142 of this chapter.

(b) The applicant for a gyroplane class rating must have a total of at least—

(1) 20 hours of flight instruction from an authorized flight instructor, 15 hours of which must be in a gyroplane, including at least the following—

(i) 3 hours of cross-country flying in gyroplanes;

(ii) 3 hours of night flying in gyroplanes, including ten takeoffs and ten landings; and

(iii) 3 hours in gyroplanes in preparation for the private pilot flight test within 60 calendar days before that test.

(2) 20 hours of solo flight time, 10 hours of which must be in a gyroplane, including—

(i) 3 hours of cross-country flying in gyroplanes, including one flight with a landing at three or more points, each of which must be more than 25 nautical miles from each of the other two points; and

(ii) Three takeoffs and three landings in gyroplanes at an airport with an operating control tower.

(3) Except as provided in paragraph (b)(4) of this section, a maximum of 2.5 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total hours required by paragraph (b)(1) of this section if accomplished in a flight simulator or in a flight training device representing a gyroplane.

(4) A maximum of 5 hours of flight simulator or flight training device instruction may be credited toward the total hours required by paragraph (b)(1) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(c) An applicant who does not meet the night flying requirements of paragraph (a)(1)(ii) or paragraph (b)(1)(ii) of this section will be issued a private pilot certificate bearing the limitation "night flying prohibited."

(d) The limitation required by paragraph (c) of this section may be removed if the holder of the certificate demonstrates compliance with the requirements of paragraph (a)(1)(ii) or paragraph (b)(1)(ii) of this section, as applicable.

(e) Except as otherwise approved by the Administrator, an applicant for a private pilot certificate with a rotorcraft category rating who has satisfactorily completed an approved private pilot course conducted by a training center certificated under part 142 of this chapter must have a total of at least 35 hours of pilot flight time in aircraft, flight simulators, or flight training devices.

26. Section 61.129 is amended by revising paragraph (b) introductory text and (b)(1) and (b)(2) introductory text, and by adding paragraphs (b)(4) and (c) to read as follows:

§ 61.129 Airplane rating: Aeronautical experience.

(b) *Flight time as pilot.* Except as provided in paragraph (c) of this section, an applicant for a commercial pilot certificate with an airplane rating must

have at least the following aeronautical experience:

(1) A total of at least 250 hours of flight time as a pilot that may include not more than—

(i) Except as provided in paragraph (b)(1)(ii) of this section, a maximum of 50 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total hours required by paragraph (b) of this section; or

(ii) A maximum of 100 hours of flight simulator instruction or flight training device instruction may be credited toward the total hours required by paragraph (b) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(2) The flight time required by paragraph (b)(1) of this section must include—

(4) Flight simulator instruction and flight training device instruction must be accomplished in a qualified and approved flight simulator or in a qualified and approved flight training device representing an airplane.

(c) Flight time as pilot: Approved commercial pilot training program conducted under part 142. Except as otherwise approved by the Administrator, an applicant for a commercial pilot certificate with an airplane rating who has satisfactorily completed an approved commercial pilot course conducted by a training center certificated under part 142 of this chapter must have a total of at least 190 hours of pilot flight time in aircraft, flight simulators, or flight training devices.

27. Section 61.131 is amended by revising the introductory text, paragraph (b) introductory text and (b)(1) introductory text, and by adding paragraphs (a)(3), (a)(4), (b)(3), (b)(4), and (c) to read as follows:

§ 61.131 Rotorcraft rating: Aeronautical experience.

Except as provided in paragraph (c) of this section, an applicant for a commercial pilot certificate with a rotorcraft category rating must have at least the following aeronautical experience:

(a) * * *

(3) Except as provided in paragraph (a)(4) of this section, a maximum of 35 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total hour requirement for a pilot certificate.

(4) A maximum of 50 hours of flight simulator instruction or flight training

device instruction may be credited toward the total hours required by paragraph (a)(1) of this section if the instruction is accomplished in an approved course conducted by an appropriately rated training center certificated under part 142 of this chapter.

(b) For a gyroplane class rating:

(1) An applicant must have at least 150 hours of flight time in aircraft, including at least 100 hours in powered aircraft, 25 hours of which must be in a gyroplane, including at least—

(3) Except as provided in paragraph (b)(4) of this section, a maximum of 35 hours of flight simulator instruction or flight training device instruction from an authorized instructor may be credited toward the total requirement for a pilot certificate if the instruction is accomplished in a flight simulator or in a flight training device representing a gyroplane.

(4) A maximum of 50 hours of flight simulator instruction or flight training device if instruction may be credited toward the total hours required by paragraph (b)(1) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(c) Except as otherwise approved by the Administrator, an applicant for a commercial pilot certificate with a rotorcraft rating and a helicopter class rating who has satisfactorily completed an approved private pilot course conducted by a training center certificated under part 142 of this chapter must have a total of at least 150 hours of pilot flight time in aircraft, flight simulators, or flight training devices.

28. Section 61.155 is revised to read as follows:

§ 61.155 Airplane rating: Aeronautical experience.

(a) Except as provided in paragraph (d) of this section, an applicant for an airline transport pilot certificate with an airplane category and class rating must have at least 1,500 hours of total time as a pilot that includes at least:

(1) 500 hours of cross-country flight time;

(2) 100 hours of night flight time;

(3) 75 hours of instrument time in actual or simulated instrument time, subject to the following—

(i) Except as provided in paragraph (a)(3)(ii) of this section, an applicant may not receive more than 25 hours of simulated instrument time in flight simulators and flight training devices.

(ii) A maximum of 50 hours of flight simulator or flight training device

instruction may be credited toward the total hours required by paragraph (a)(3) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

(iii) Flight simulator instruction or flight training device instruction must be accomplished in a qualified and approved flight simulator, or in a qualified and approved flight training device, representing an airplane.

(4) 250 hours of flight time in an airplane as a pilot in command or as a second in command performing the duties and functions of a pilot in command under the supervision of a pilot in command, or any combination thereof, which includes at least—

(i) 100 hours of cross-country flight time; and

(ii) 25 hours of night flight time.

(b) An applicant who has performed at least twenty night takeoffs and landings to a full stop may substitute each additional night takeoff and landing to a full stop in excess of the minimum twenty accomplished takeoffs for 1 hour of night flight time to satisfy the requirements of paragraph (a)(2) of this section, for a total credited time of no more than 25 hours.

(c) A commercial pilot may credit the following second-in-command and flight engineer flight time (or a combination of either crewmember position flight time) toward the 1,500 hours of total time as a pilot required by paragraph (a) of this section:

(1) All second-in-command time acquired in an airplane required to have more than one pilot by the airplane's flight manual or type certificate;

(2) All second-in-command time acquired in an airplane for a part 121 or part 135 certificate holder for which a second in command is required.

(3) Flight engineer time, provided the time—

(i) Is acquired while operating under part 121 of this chapter;

(ii) Is acquired in an airplane that is required to have a flight engineer by the airplane's flight manual or type certificate;

(iii) Is acquired while the applicant is participating in a pilot training program approved under part 121 of this chapter; and

(iv) Does not exceed more than 1 hour of flight time to be credited for each 3 hours of flight engineer time, for a total credited time of no more than 500 hours.

(d) An applicant who does not meet the aeronautical experience requirements of the section may be issued an airline transport pilot

certificate with the limitation "Holder does not meet the pilot-in-command aeronautical experience requirements of ICAO" as prescribed by Article 39 of the Convention on International Civil Aviation, as provided in § 61.165(b) of this part.

29. Section 61.157 is amended by revising the section heading and paragraph (a) to read as follows:

§ 61.157 Airplane rating: Aeronautical skill (for Parts 121 and 135 use only).

(a) An applicant who is a pilot crewmember employee of an air carrier certificated under part 121 or part 135 of this chapter—

(1) When applying for an airline transport pilot certificate with a single-engine or multiengine class rating, or an additional type rating, must pass a practical test that includes the items set forth in appendix A of this part.

(2) The FAA inspector or designated examiner may modify any maneuver required by appendix A of this part, where necessary for the reasonable and safe operation of the airplane being used and, unless specifically prohibited in appendix A of this part, may combine any required maneuvers and may permit their performance in any convenient sequence.

30. Section 61.158 is added to read as follows:

§ 61.158 Airplane rating: Aeronautical skill (for other than Parts 121 and 135).

(a) *Practical test.* An applicant for an airline transport pilot certificate with a single engine or multiengine class rating or type rating, not applying as a pilot crewmember employee of an air carrier certificated under part 121 or Part 135, must—

(1) Pass a practical test based on the following areas of operation:

- (i) Preflight procedures.
- (ii) Cockpit resource management.
- (iii) Takeoff and departure maneuvers.
- (iv) In-flight maneuvers.
- (v) Instrument procedures.
- (vi) Landings and approaches to landings.

(vii) Normal and abnormal procedures.

(viii) Emergency procedures.

(ix) Postflight procedures.

(2) Present a record of training certified by an authorized flight instructor showing that the applicant has—

(i) Received ground training on the aeronautical knowledge areas required by this section applicable to the aircraft category, class, and class rating sought;

(ii) Received flight training on the areas of operation applicable to the

aircraft category, class, and type rating sought;

(iii) Been found competent by the certifying flight instructor in the aeronautical knowledge areas required for the added aircraft type rating; and

(iv) Been found competent by the certifying flight instructor in the areas of operation required for the added aircraft type rating.

(b) If the applicant does not hold an instrument rating, in addition to the tasks required by paragraph (a)(1) of this section, the applicant must also demonstrate competency in the operations required by § 61.65(g) of this part.

(c) The tasks required by paragraphs (a) and (b) of this section shall be performed in—

(1) An airplane of the same class, and, if applicable, an airplane of the same type, for which the class rating or type rating is sought; or

(2) Subject to the limitations of paragraph (c)(3) of this section, a flight simulator or a flight training device that represents the airplane type, for which the type rating is sought, or set of airplanes if the airplane for which the class rating is sought does not require a type rating.

(3) The flight simulator or flight training device use permitted by paragraph (c)(2) of this section shall be conducted in accordance with an approved course at a training center certificated under part 142 of this chapter; or

(4) In another manner approved by the Administrator.

31. Section 61.161 is amended by revising paragraph (b)(4) and by adding a new paragraph (b)(5) to read as follows:

§ 61.161 Rotorcraft rating: Aeronautical experience.

• • • • •

(b) • • • • •

(4) 75 hours of actual or simulated instrument time under actual or simulated conditions of which at least 50 hours are completed in flight with at least—

(i) 25 hours in helicopters as pilot in command;

(ii) 25 hours in helicopters as second in command performing the duties of a pilot in command under the supervision of a pilot in command; or

(iii) Any combination of paragraph (b)(4)(i) and (b)(4)(ii) of this paragraph that totals 25 hours in helicopters.

(5) Flight simulator or flight training device instruction may be credited toward the total hour requirement of paragraph (b)(4) of this section subject to the following:

(i) Flight simulator and flight training device instruction must be accomplished in a qualified and approved flight simulator or in a qualified and approved flight training device, representing a rotorcraft.

(ii) Except as provided in paragraph (b)(5)(iii) of this section, an applicant may receive credit for not more than a combined total of 25 hours of simulated instrument time in flight simulators and flight training devices.

(iii) A maximum of 50 hours of flight simulator instruction or flight training device instruction may be credited toward the total hours required by paragraph (b)(4) of this section if the instruction is accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

32. Section 61.163 is revised to read as follows:

§ 61.163 Rotorcraft rating: Aeronautical skill.

(a) *Practical test.* An applicant for an airline transport pilot certificate with a rotorcraft category and helicopter class rating or a type rating must pass a practical test based on the following areas of operation:

- (1) Preflight procedures.
- (2) Cockpit resource management.
- (3) Takeoff and departure procedures.
- (4) In-flight maneuvers.
- (5) Instrument procedures.
- (6) Landings and approaches to landings.
- (7) Normal and abnormal procedures.
- (8) Emergency procedures.
- (9) Postflight procedures.

(b) If the applicant does not hold an instrument rating, in addition to the tasks required by paragraph (a) of this section, the applicant must also demonstrate competency in the operations required by § 61.65(g) of this part.

(c) The tasks required by paragraphs (a) and (b) of this section shall be performed in—

(1) The helicopter for which the class rating or type rating is sought; or

(2) A flight simulator or flight training device that represents the helicopter for which the class rating or type rating is sought.

(d) The flight simulator or flight training device use permitted by paragraph (c)(2) of this section must be conducted in accordance with an approved course by a training center certificated under part 142 of this chapter.

(e) Unless the Administrator requires certain or all tasks to be performed, the person authorized by the Administrator

to conduct the practical test for an airline transport pilot certificate may waive any of the tasks for which the Administrator approves waiver authority.

33. Section 61.169 is revised to read as follows:

§ 61.169 Instruction in air transportation service.

(a) An airline transport pilot may instruct—

(1) Other pilots in air transportation service in aircraft of the category, class, and type, as applicable, for which the airline transport pilot is rated;

(2) Only as provided in this section, unless the airline transport pilot also holds a flight instructor certificate, in which case he or she may exercise the instructor privileges of subpart G of part 61 for which he or she is rated; and

(3) Only in aircraft with functioning dual controls, when instructing under the provisions of this section.

(b) An airline transport pilot may not instruct—

(1) For more than 8 hours in 1 day;

(2) For more than 36 hours in any 7 consecutive day period; or

(3) In Category II or Category III operations unless the airline transport pilot has been trained and checked under Category II or Category III operations, as applicable.

34. Section 61.187 is amended by revising paragraph (a) to read as follows:

§ 61.187 Flight proficiency.

(a) An applicant for a flight instructor certificate must have received flight instruction in an aircraft, a flight simulator, or in a flight training device—

(1) Used in accordance with an approved course at a training center certificated under part 142 of this chapter; and

(2) Appropriate for the instructor rating sought in the subjects listed in this paragraph by a person authorized by paragraph (b) of this section to provide instruction to other flight instructors.

35. Section 61.191 is amended by revising paragraph (c) and adding a new paragraph (d) to read as follows:

§ 61.191 Additional flight instructor ratings.

(c) Pass the written and practical test prescribed in this subpart for the rating sought.

(d) If accomplished in accordance with an approved course conducted by a training center certificated under part

142 of this chapter, the practical test may be conducted in—

- (1) An aircraft;
- (2) A flight simulator; or
- (3) A flight training device.

36. Section 61.195 is amended by adding paragraph (h) to read as follows:

§ 61.195 Flight instructor limitations.

(h) A flight instructor may not give instruction in Category II or Category III operations unless the flight instructor has been trained and checked in Category II or Category III operations, pursuant to § 61.67 of this part.

37. Section 61.197 is revised to read as follows:

§ 61.197 Renewal of flight instructor certificates.

(a) The holder of a valid flight instructor certificate may renew that certificate for an additional period of 24 calendar months if that individual—

(1) Except as provided by paragraph (a)(2) of this section, holds at least a valid third class medical certificate issued under part 67 of this chapter;

(2) For the renewal of a flight instructor-glider or flight instructor-free balloon rating only, certifies on the application for renewal that he or she does not have any known medical deficiencies; and

(3) Except as provided in paragraph (b) of this section, satisfactorily completes a practical test for—

(i) Renewal of the flight instructor certificate and rating sought; or

(ii) An additional flight instructor rating.

(b) The holder of a flight instructor certificate may renew that certificate and its ratings without accomplishing a practical test, by presenting to an FAA Flight Standards District Office evidence of one of the following—

(1) A record showing that during the preceding 24 calendar months, the instructor has—

(i) Endorsed at least five students for a practical test for a certificate or rating; and

(ii) At least an 80 percent pass rate for students passing their practical test on the first attempt;

(2) A record showing that, during the preceding 24 calendar months, the instructor served—

(i) As a company check pilot;

(ii) As a chief flight instructor;

(iii) As a company check airman, or flight instructor in a part 121 or part 135 operation; or

(iv) In a comparable position involving the regular evaluation of pilots, providing that the FAA Flight

Standards District Office with jurisdiction—

(A) Is acquainted with the instructor's duties and responsibilities; and

(B) Has determined that the instructor has satisfactory knowledge of current pilot training, certification, and standards; or

(3) A graduation certificate from an approved flight instructor refresher course, provided—

(i) The course was completed prior to the expiration date of the flight instructor certificate;

(ii) The course consists of not less than 24 hours of ground training or flight training, or both; and

(c) An applicant for renewal of a flight instructor certificate must show that the method of renewal described in paragraph (b)(3) of this section has not been used for more than two consecutive renewals.

(d) If an instructor satisfactorily completes the requirements of this section within 90 days prior to the expiration date of the flight instructor certificate, the instructor is considered to have completed the requirements of this section in the month in which they are due, and the certificate will be renewed for an additional 24 calendar months beyond the expiration date.

(e) The practical test required by paragraph (a)(3) of this section may be conducted in an aircraft, a flight simulator, or a flight training device, if accomplished in an approved course conducted by a training center certificated under part 142 of this chapter.

38. Appendix A to part 61 is amended by revising the title to read as follows:

Appendix A to Part 61—Practical Test Requirements for Airplane Airline Transport Pilot Certificates and Associated Class and Type Ratings (for Parts 121 and 135 Use Only)

39. Appendix B to part 61 is removed and reserved.

PART 91—GENERAL OPERATING AND FLIGHT RULES

40. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 1301(7), 1303, 1344, 1348, 1352 through 1355, 1401, 1421 through 1431, 1471, 1472, 1502, 1510, 1522, and 2121 through 2125; Articles 12, 29, 31, and 32(a) of the Convention on International Civil Aviation (61 Stat. 1180); 42 U.S.C. 4321 *et seq.*; E.O. 11514; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

41. Section 91.191 is revised to read as follows:

§ 91.191 Category II and Category III manual.

(a) Except as provided in paragraph (c) of this section, no person may operate a U.S.-registered civil aircraft in a Category II or a Category III operation unless—

(1) There is available in the aircraft a current and approved Category II or Category III manual, as appropriate, for that aircraft;

(2) The operation is conducted in accordance with the procedures, instructions, and limitations in each respective manual; and

(3) The instruments and equipment listed in the manual that are required for a particular Category II or Category III operation have been inspected and maintained in accordance with the maintenance program contained in the manual.

(b) Each operator must keep a current copy of each approved manual at its principal base of operations and must make each manual available for inspection upon request by the Administrator.

(c) This section does not apply to operations conducted by a holder of a certificate issued under part 121 or part 135 of this chapter.

42. Section 91.205 is amended by revising paragraph (f) and adding new paragraphs (g) and (h) to read as follows:

§ 91.205 Powered civil aircraft with standard category U.S. airworthiness certificates: Instrument and equipment requirements.

(f) *Category II and Category III operations.* The requirements for Category II operations are the instruments and equipment specified in—

(1) Paragraph (d) of this section; and

(2) Appendix A to this part.

(g) The instruments and equipment required for Category III operations are specified in paragraph (d) of this section.

(h) This paragraph does not apply to operations conducted by a holder of a certificate issued under part 121 or part 135 of this chapter.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT.

43. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421–1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

44. Section 121.1 is amended by revising (c)(2), and adding new (c)(4) to read as follows:

§ 121.1 Applicability.

(c) * * *

(2) Until (2 years after the effective date of Part 142), each person who applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum segment under SFAR No. 58 and each person employed or used by an air carrier or commercial operator under this part to perform training, qualification, or evaluation functions under an Advanced Qualification Program under SFAR No. 58; and

(3) * * *

(4) Except as provided in paragraph (c)(2) of this section, each person, including those persons employed or used by that person who provides training, checking, or qualification functions under contract or other arrangement for air carrier and commercial operator crewmembers, aircraft dispatchers, other operations personnel, instructors, and check airmen.

45. Section 121.400 is amended by revising paragraph (a) and by adding paragraphs (c)(7), (c)(8), and (c)(9) to read as follows:

§ 121.400 Applicability and terms used.

(a) This subpart prescribes the requirements applicable to—

(1) Each training center that performs training, testing, and checking functions by contract or other arrangement for certificate holders subject to the requirements of this part;

(2) Each certificate holder for establishing and maintaining a training program for crewmembers, aircraft dispatchers, and other operations personnel employed or used by that certificate holder; and

(3) Each certificate holder for the qualification, approval, and use of flight simulators and flight training devices in the conduct of the program.

(b) * * *

(c) * * *

(7) *Training center.* An organization governed by the applicable requirements of part 142 of this chapter that provides training, testing, and checking services under contract or other arrangement to certificate holders subject to the requirements of this part.

(8) *Facility.* The physical environment required to conduct training, testing, and checking activities; e.g., buildings, classrooms.

(9) *Courseware.* Instructional material developed for each curriculum. This is the information in lesson plans, flight event descriptions, computer software programs, workbooks, and handouts.

46. Section 121.401 is amended by revising paragraphs (a)(2), (a)(3), (a)(4), and (c).

§ 121.401 Training Program: General.

(a) * * *

(2) Provide or ensure that an eligible training center provides adequate ground and flight training facilities and properly qualified ground instructors for the training required by this subpart;

(3) Provide and keep current or ensure that an eligible training center provides and keeps current with respect to each airplane type and, if applicable, the particular variations within that airplane type, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required by this part; and

(4) Provide or ensure that an eligible training center provides enough flight instructors, simulator instructors, and approved check airmen (evaluators under part 142) to conduct required flight training and flight checks, and simulator training courses permitted under this part.

(b) * * *

(c) Each instructor, supervisor, or check airman, including each instructor or evaluator under part 142 of this chapter, who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember's or dispatcher's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instructor, supervisor, check airman, or Part 142 instructor or evaluator must be identified with that entry; however, the signature of the certifying instructor, supervisor, check airman, or Part 142 instructor or evaluator is not required for computerized entries.

* * *

47. Section 121.402 is added to read as follows:

§ 121.402 Training program: Special rules.

(a) A training center is eligible under this subpart to provide training, testing, and checking services under contract or

other arrangement to those persons subject to the requirements of this subpart provided—

(1) It holds applicable ratings and training specifications issued under part 142 of this chapter;

(2) It has facilities, training equipment, and courseware meeting the applicable requirements of part 142 of this chapter;

(3) It has approved curriculums, curriculum segments, and portions of curriculum segments applicable for use in training courses required by this subpart; and

(4) It has sufficient instructor and evaluator (check airmen) personnel qualified either under the applicable requirements of Part 142 of this chapter or under the applicable requirements of §§ 121.411 or 121.413 of this part to provide training, testing, and checking services to persons subject to the requirements of this subpart.

48. Section 121.403 is amended by revising paragraph (b)(4) as follows:

§ 121.403 Training program: Curriculum.

• • • • •

(b) • • • • •
(4) A list of airplane simulators or other training devices approved under § 121.407 and § 142.97 of this chapter, including approvals for particular maneuvers, procedures, or functions.

• • • • •
49. Section 121.405 is amended by revising paragraph (b) to read as follows:

§ 121.405 Training program and revision: Initial and final approval.

• • • • •

(b) If the proposed training program or revision complies with this subpart, the Administrator grants initial approval in writing after which the certificate holder may conduct or arrange to conduct the training in accordance with that program. The Administrator then evaluates the effectiveness of the training program and advises the certificate holder of deficiencies, if any, that must be corrected.

• • • • •
50. Section 121.407 is amended by revising the section heading and paragraphs (c)(1) and (d) as follows:

§ 121.407 Training program: Approval of flight simulators and other training devices.

(c) • • • • •

(1) Is approved under this section or § 142.97 of this chapter and meets the simulator requirements of Appendix H of this part; and

• • • • •
(d) A flight simulator approved under this section or § 142.97 of this chapter must be used instead of the airplane to

satisfy the pilot flight training requirements prescribed in the certificate holder's approved low-altitude windshear flight training program set forth in § 121.409(d) of this part.

51. Section 121.431 is amended by revising paragraph (a) to read as follows:

§ 121.431 Applicability.

(a) This subpart:

(1) Prescribes crewmember qualifications for all certificate holders except where otherwise specified; and

(2) Permits training center personnel under § 121.402 of this part to provide testing and checking services under contract or other arrangement to those persons subject to the requirements of this subpart.

• • • • •

52. Section 121.432a is added to read as follows:

§ 121.432a Training, testing, and checking conducted by certificated training centers: Special rules.

A crewmember who has successfully completed training, testing, or checking in accordance with an approved training program that meets the requirements of this subpart, including Appendixes E and F of this part, as appropriate, and that is conducted in accordance with an approved course conducted by an appropriately rated training center certificated under part 142 of this chapter, is considered to meet applicable part 121 requirements.

53. Section 121.439 is amended by revising paragraphs (a), (b)(1), and (e) as follows:

§ 121.439 Pilot qualification: Recent experience.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember unless, within the preceding 90 days, that person has made at least three takeoffs and three landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a Level A flight simulator approved under § 121.407 or § 142.97 of this chapter to include takeoff and landing maneuvers. In addition, any person who fails to make the three required takeoffs and landings within any consecutive 90-day period must reestablish recency of experience as provided in paragraph (b) of this section.

(b) • • • • •

(1) Under the supervision of a check airman or an evaluator under § 121.402 of this part, make at least three takeoffs and three landings in the type airplane

in which that person is to serve or in an advanced flight simulator or Level A simulator. When a Level A simulator is used, the requirements of paragraph (c) of this section must be met.

• • • • •

(e) A check airman or an evaluator under § 121.402 of this part, whichever is applicable, who observes the takeoffs and landings prescribed in paragraphs (b)(1) and (c) of this section, shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part and may require any additional maneuvers that are determined necessary to make this certifying statement.

54. Section 121.441 is amended by revising (b)(2) as follows:

§ 121.441 Proficiency checks.

• • • • •

(b) • • • • •

(2) It must be given by the Administrator, an authorized check pilot check airman, or an authorized pilot evaluator under § 121.402 of this part.

• • • • •

55. Appendix H to part 121 is amended by revising the introductory text and paragraphs (3), (4), and (5) following the undesignated center heading reading "ADVANCED SIMULATION TRAINING PROGRAM" to read as follows:

Appendix H To Part 121—Advanced Simulation Plan

• • • • •

ADVANCED SIMULATION TRAINING PROGRAM

For an operator to conduct Phase II or III training under this Appendix, all required simulator instruction and checks must be conducted under an advanced simulation training program which is approved by the Administrator for the operator. This program must also ensure that all instructors, check airmen, and instructors and evaluators under § 121.402 of this part used in appendix H training and checking are highly qualified to provide the training required in the training program. The advanced simulation training program shall include the following:

• • • • •

3. Unless otherwise authorized by the Administrator, for newly certificated air operators under part 119 of this chapter and newly certificated training centers under part 142 of this chapter, documentation that each instructor, check airman, and evaluator under § 121.402 has been employed by the certificate holder or training center, as applicable, for at least 1 year in that

capacity or as a pilot in command or second in command in an airplane of the group in which that pilot is instructing or checking.

4. A procedure to ensure that each instructor, check airman, and evaluator under § 121.402 actively participates in either an approved regularly scheduled line-flying program as a flight crewmember or an approved line-observation program in the same airplane type for which that person is instructing or checking.

5. A procedure to ensure that each instructor, check airman, and evaluator under § 121.402, is given a minimum of 4 hours of training each year to become familiar with the operator's advanced simulation training program, or changes to it, and to emphasize their respective roles in the program. Training for simulator instructors, check airmen, and § 121.402 evaluators shall include training policies and procedures, instruction methods and techniques, operation of simulator controls (including environmental and trouble panels), limitations of the simulator, and minimum equipment required for each course of training.

56. Appendix I to Part 121 is amended by revising paragraph III(c) to read as follows:

Appendix I To Part 121—Drug Testing Program

III. Employees who must be tested.

(c) Flight instruction, simulated flight instruction, or ground instruction duties.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

57. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

58. Section 125.285 is amended by revising the first two sentences of paragraph (a) and paragraph (c) introductory text to read as follows:

§ 125.285 Pilot qualifications: Recent experience.

(a) No certificate holder may use any person, nor may any person serve, as a required pilot flight crewmember unless within the preceding 90 calendar days that person has made at least three

takeoffs and landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a flight simulator if the flight simulator is qualified and approved by the Administrator for such purpose. * * *

(b) * * *

(c) A required pilot flight crewmember who performs the maneuvers required by paragraph (b) of this section in a qualified and approved flight simulator, as prescribed in paragraph (a) of this section, must—

59. Section 125.296 is added to read as follows:

§ 125.296 Training, testing, and checking conducted by training centers: Special rules.

A crewmember who has successfully completed training, testing, or checking in accordance with an approved training program that meets the requirements of this part and that is conducted in accordance with an approved course conducted by an appropriately rated training center certificated under part 142 of this chapter, is considered to meet applicable requirements of this part.

60. Section 125.297 is amended by revising the section heading and paragraph (a) and (b) introductory text to read as follows:

§ 125.297 Approval of flight simulators and flight training devices.

(a) Flight simulators and flight training devices approved by the Administrator may be used in training, testing, and checking required by this subpart.

(b) Each flight simulator and flight training device that is used in training, testing, and checking required under this subpart must be used in accordance with an approved training course conducted by an appropriately rated training center certificated under part 142 of this chapter, or meet the following requirements:

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

61. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1355(a), 1421 through 1431, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983).

62. Section 135.1 is amended by revising paragraph (a)(4) and adding a new paragraph (a)(6) to read as follows:

§ 135.1 Applicability.

(a) * * *

(4) Until [2 years after the effective date of the final rule], each person who

applies for provisional approval of an Advanced Qualification Program curriculum, curriculum segment, or portion of a curriculum under SFAR No. 58 and each person employed or used by an air carrier or commercial operator under this part to perform training, qualification, or evaluation functions under an Advanced Qualification Program under SFAR No. 58; and

(5) * * *

(6) Except as provided in paragraph (a)(4) of this section, each person, including those persons employed or used by that person, who provides training, checking, or qualification functions under contract or other arrangement for air carrier and commercial operator crewmembers, other operations personnel, instructors, and check airmen.

63. Section 135.291 is revised to read as follows:

§ 135.291 Applicability.

This subpart:

(a) Prescribes the tests and checks required for pilot and flight attendant crewmembers and for the approval of check pilots in operations under this part; and

(b) Permits training center personnel under § 135.324 of this part to provide testing and checking services under contract or other arrangement to those persons subject to the requirements of this subpart.

64. Section 135.292 is added to read as follows:

§ 135.292 Training and checking conducted by certificated training centers: Special rules.

A crewmember who has successfully completed training, testing, or checking in accordance with an approved training program that meets the requirements of this part and that is conducted in accordance with an approved course conducted by an appropriately rated training center certificated under part 142 of this chapter, is considered to meet applicable part 135 requirements.

65. Section 135.293 is amended by revising paragraph (a) introductory text to read as follows:

§ 135.293 Initial and recurrent pilot testing requirements.

(a) No certificate holder may use a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th calendar month before that service, that pilot has passed a written or oral test, given by the Administrator, an authorized check pilot, or a pilot evaluator authorized under § 135.324 of

this part, on that pilot's knowledge in the following areas—

* * *

66. Section 135.297 is amended by revising paragraph (a) to read as follows:

§ 135.297 Pilot in command: Instrument proficiency check requirements.

(a) No certificate holder may use a pilot, nor may any person serve as a pilot in command of an aircraft under IFR unless, since the beginning of the 6th calendar month before that service, that pilot has passed an instrument proficiency check under this section administered by the Administrator, an authorized check pilot, or a pilot evaluator, under § 135.324 of this part.

* * *

67. Section 135.299 is amended by revising paragraph (a)(1) to read as follows:

§ 135.299 Pilot in command: Line checks: Routes and airports.

(a) * * *

(1) Be given by the Administrator, an approved check pilot, or a pilot evaluator authorized under § 135.324 of this part.

* * *

68. Section 135.321 is amended by revising paragraph (a) and by adding paragraph (b)(7), (b)(8), and (b)(9) to read as follows:

§ 135.321 Applicability and terms used.

(a) This subpart prescribes the requirements applicable to—

(1) Each training center that performs training, testing, and checking functions by contract or other arrangement for certificate holders subject to the requirements of this part;

(2) Each certificate holder for establishing and maintaining an approved training program for crewmembers, check airmen and instructors, and other operations personnel employed or used by that certificate holder; and

(3) Each certificate holder for the qualification, approval, and use of aircraft simulators and other training devices in the conduct of the program.

(b) * * *

(7) *Training center.* An organization governed by the applicable requirements of part 142 of this chapter that provides training, testing, and checking services under contract or other arrangement to certificate holders subject to the requirements of this part.

(8) *Facility.* The physical environment required to conduct training, testing, and checking activities; e.g., buildings, classrooms.

(9) *Courseware.* Instructional material developed for each curriculum. This is the information in lesson plans, flight event descriptions, computer software programs, workbooks, and handouts.

69. Section 135.323 is amended by revising paragraphs (a)(2), (a)(3), (a)(4), and (c) to read as follows:

§ 135.323 Training program: General.

(a) * * *

(2) Provide or ensure that an eligible training center provides adequate ground and flight training facilities and properly qualified ground instructors for the training required by this subpart;

(3) Provide and keep current or ensure that an eligible training center provides and keeps current with respect to each airplane type and, if applicable, the particular variations within that aircraft type, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required by this part; and

(4) Provide or ensure that an eligible training center provides enough flight instructors, simulator instructors, and approved check airmen (evaluators under part 142) to conduct required flight training and flight checks, and simulator training courses permitted under this part.

(b) * * *

(c) Each instructor, supervisor, or check airman, including each instructor or evaluator under part 142 of this chapter, who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check under this part shall certify as to the proficiency and knowledge of the crewmember, aircraft dispatcher, flight instructor, or check airman concerned upon completion of that training or check. That certification shall be made a part of the crewmember's or dispatcher's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instructor, supervisor, check airman, or part 142 instructor or evaluator must be identified with that entry. However, the signature of the certifying instructor, supervisor, check airman, or part 142 instructor or evaluator is not required for computerized entries.

* * *

70. Section 135.324 is added to read as follows:

§ 135.324 Training program: Special rules.

A training center is eligible under this subpart to provide training, testing, and checking services under contract or other arrangement to those persons

subject to the requirements of this subpart provided—

(a) It holds applicable ratings and training specifications issued under part 142 of this chapter;

(b) It has facilities, training equipment, and courseware meeting the applicable requirements of part 142 of this chapter;

(c) It has approved curriculums, curriculum segments, and portions of curriculum segments applicable for use in training courses required by this subpart; and

(d) It has sufficient instructor and evaluator (check airmen) personnel qualified either under the applicable requirements of part 142 of this chapter or under the applicable requirements of §§ 135.337 or 135.339 of this part to provide training, testing, and checking services to persons subject to the requirements of this subpart.

71. Section 135.325 is amended by revising paragraph (b) to read as follows:

§ 135.325 Training program and revision: Initial and final approval.

* * *

(b) If the proposed training program or revision complies with this subpart, the Administrator grants initial approval in writing after which the certificate holder may conduct or arrange to conduct the training in accordance with that program. The Administrator then evaluates the effectiveness of the training program and advises the certificate holder of deficiencies, if any, that must be corrected.

* * *

72. Section 135.327 is amended by adding paragraph (b)(4) to read as follows:

§ 135.327 Training program: Curriculum.

* * *

(b) * * *

(4) A list of aircraft simulators or other training devices approved under §§ 135.335 and 142.97 of this chapter, including approvals for particular maneuvers, procedures, or functions.

PART 141—PILOT SCHOOLS

73. The authority citation for part 141 continues to read as follows:

Authority: Secs. 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1355, 1421, 1422, and 1427), and Sec. 8(c) of the Dept. of Transportation Act (49 U.S.C. 1655(c)).

74. Section 141.26 is added to read as follows:

§ 141.26 Training agreements.

A training center certificated under part 142 of this chapter may provide the training, testing, and checking for pilot schools certificated under part 141 of this chapter and is considered to meet the requirements of part 141 provided—

(a) There is a training agreement between the certificated training center and the pilot school;

(b) The training, testing, and checking provided by the certificated training center is approved and conducted under part 142;

(c) The pilot school certificated under part 141 obtains the Administrator's approval for a training course outline that includes the training, testing, and checking to be conducted under part 141 and the training, testing, and checking to be conducted under part 142; and

(d) Upon completion of the training, testing, and checking conducted under part 142, a copy of each student's training record is forwarded to the part 141 school and becomes part of the student's permanent training record.

75. Part 142 is added to read as follows:

PART 142—TRAINING CENTERS**Subpart A—General**

Sec.

- 142.1 Applicability.
- 142.3 Definitions.
- 142.5 Certificate and training specifications required.
- 142.7 Duration of a certificate.
- 142.9 Deviations or waivers.
- 142.11 Training center ratings.
- 142.13 Application for issuance or amendment.
- 142.15 Management and personnel requirements.
- 142.17 Facilities.
- 142.19 Satellite training centers.
- 142.20 Foreign training centers: Special rules.
- 142.21 Prohibited drugs.
- 142.23 Testing for prohibited drugs.
- 142.25 Refusal to submit to a drug test.
- 142.27 Display of certificate.
- 142.29 Inspections.
- 142.31 Advertising limitations.
- 142.33 Training agreements.

Subpart B—Aircrew Curriculum, Training Course Outline and Syllabus [Other Than Air Carrier and Part 125]

- 142.35 Applicability.
- 142.37 Approval of flight aircrew training program.
- 142.39 Training program curriculum requirements.

Subpart C—Personnel and Flight Training Equipment Requirements [Other Than Air Carrier and Part 125]

- 142.45 Applicability.

- 142.47 Training center instructor eligibility requirements.
- 142.49 Training center instructor privileges and limitations.
- 142.51 Qualifications to instruct in a flight simulator or a flight training device.
- 142.53 Training center instructor training and testing requirements.
- 142.55 Training center evaluator requirements.
- 142.57 Aircraft requirements.
- 142.59 Flight simulators and flight training devices.

Subpart D—Operating Rules [Other Than Air Carrier and Part 125]

- 142.61 Applicability.
- 142.63 Privileges.
- 142.65 Limitations.

Subpart E—Recordkeeping [Other Than Air Carrier and Part 125]

- 142.71 Applicability.
- 142.73 Recordkeeping requirements.

Subpart F—Aircrew Curriculum, Training Course Outline, and Syllabus [Air Carrier and Part 125]

- 142.75 Applicability.
- 142.77 Approval of flight aircrew training program.
- 142.79 Approval of training, qualification, or evaluation by a training center.

Subpart G—Personnel and Flight Training Equipment Requirements [Air Carrier and Part 125]

- 142.83 Applicability.
- 142.85 Training center instructor eligibility requirements.
- 142.87 Training center instructor privileges and limitations.
- 142.89 Qualifications to instruct in a flight simulator or a flight training device.
- 142.91 Training center instructor training and testing requirements.
- 142.93 Training center evaluator requirements.
- 142.95 Aircraft requirements.
- 142.97 Flight simulators and flight training devices.

Subpart H—Operating Rules [Air Carrier and Part 125]

- 142.101 Applicability.
- 142.103 Privileges.
- 142.105 Limitations.

Subpart I—Recordkeeping [Air Carrier and Part 125]

- 142.111 Applicability.
- 142.113 Recordkeeping requirements.
- 142.114 Record of training recipients.

Subpart J—Other Approved Courses

- 142.115 Conduct of other approved courses.
- Authority: Sections 313(a), 314, 601, 602, and 607 of the Federal Aviation Act of 1958 (49 U.S.C. app. 1354(a), 1355, 1421, 1422, and 1427), and Section 6(c) of the Department of Transportation Act (49 U.S.C. app. 1655(c)).

PART 142—TRAINING CENTERS**Subpart A—General****§ 142.1 Applicability.**

(a) This subpart prescribes the requirements governing the certification and operation of aviation training centers. Except as provided in paragraph (b) of this section, this rule provides an alternative means to accomplish training required by parts 61, 63, 121, 125, 127, 135, and 137 of this chapter.

(b) Certification under this part is not required for training that is—

(1) Approved under the provisions of parts 63, 121, 125, 127, 135, and 137 for an operator's own employees;

(2) Approved under SFAR 58, Advanced Qualification Programs, for the applicant's own employees; or

(3) Conducted under part 61 unless that part requires certification under this part.

§ 142.3 Definitions.

As used in this part:

Core Training Program means a set of courses approved by the Administrator, for use by a training center and its satellite training centers. The core training program includes training for tasks and circumstances common to all training center users but does not include training for tasks and circumstances unique to a particular user.

Course means—

(a) A program of instruction to obtain pilot certification, qualification, authorization, or currency;

(b) A program of instruction to meet a specified number of requirements of a program for pilot training, certification, qualification, authorization, or currency; or

(c) A curriculum, or curriculum segment, as defined in SFAR 58 of this chapter.

Courseware means instructional material developed for each course or curriculum, including lesson plans, flight event descriptions, computer software programs, audiovisual programs, workbooks, and handouts.

Evaluator means a person employed by a training center certificate holder who performs tests for certification and rating that are authorized by the certificate holder's training specification, and who is authorized by the Administrator to administer such checks and tests.

Flight Training Equipment means flight simulators, as defined in § 61.1(a) of this chapter, flight training devices, as

defined in § 61.1(a) of this chapter, and aircraft.

Instructor means a person employed by a training center and authorized to provide instruction in accordance with Subpart C or Subpart G of this part.

Line-Oriented Flight Training (LOFT) means simulation conducted using operational-oriented flight scenarios that accurately replicate interaction among flightcrew members and between flightcrew members and dispatch facilities, other crewmembers, air traffic control (ATC), and ground operations. LOFT simulations are conducted for training and evaluation purposes and include random, abnormal, and emergency occurrences.

Specialty Training Program means a set of courses approved by the Administrator for use by a particular training center or satellite training center, including training requirements and functions unique to one or more training center clients which are in addition to the core training program training requirements and functions common to all training center clients.

Training Center means an organization certificated under this part to provide aviation training.

Training Program Curriculum means a set of courses that comprise a training center's training program. The training program may consist of a core training program, or a core training program and a specialty training program.

Training Specifications means a document issued to a training center certificate holder by the Administrator that prescribes that center's training, checking, and testing authorizations and limitations, and specifies training program requirements.

§ 142.5 Certificate and training specifications required.

(a) No person may operate a certificated training center without, or in violation of, a training center certificate and training specifications issued under this part.

(b) An applicant will be issued a training center certificate and training specifications with appropriate limitations if the applicant shows that adequate facilities, equipment, personnel, and courseware required by § 142.13 of this part are available to conduct training approved under §§ 142.37 or 142.77 of this part.

§ 142.7 Duration of a certificate.

(a) A training center certificate issued under this part is effective until the certificate is surrendered or until the Administrator suspends, revokes, or terminates it.

(b) If the Administrator suspends, revokes, or terminates a training center certificate, the holder of that certificate shall return the certificate to the Administrator.

§ 142.9 Deviations or waivers.

(a) Deviations or waivers from any of the requirements of this part may be approved only by the Administrator.

(b) A training center applicant requesting a deviation or waiver under this section must provide the Administrator with information acceptable to the Administrator that shows—

- (1) Justification for the deviation or waiver; and
- (2) That the deviation or waiver will not adversely affect the quality of instruction or evaluation.

§ 142.11 Training center ratings.

A training center certificate holder may obtain a rating to conduct training to meet the requirements of part 61, part 63, part 121, part 125, part 127, part 135, or part 137 of this chapter.

§ 142.13 Application for issuance or amendment.

(a) An application for a training center certificate and training specifications shall—

- (1) Be made on a form and in a manner prescribed by the Administrator;
- (2) Be filed with the FAA Flight Standards District Office that has jurisdiction over the area in which the applicant's principal business office is located; and
- (3) Be made at least 120 calendar days before the beginning of any proposed training or 60 calendar days before effecting an amendment to any approved training, unless a shorter filing period is approved by the Administrator.

(b) Each application for a training center certificate and training specification shall provide—

- (1) For each management position, the minimum qualification requirements for each position necessary to comply with the training specifications;
- (2) A statement acknowledging that the applicant shall notify the Administrator within 10 working days of any change made in the assignment of persons in the required management positions;
- (3) The proposed training authorizations and ratings requested by the applicant;
- (4) The proposed evaluation authorization;
- (5) A description of the flight training equipment proposed to be used;

(6) A description of the applicant's training facilities, equipment, qualifications of personnel to be used, and proposed evaluation plans;

(7) A training program curriculum, including syllabi, outlines, courseware, procedures, and documentation to support the items required in subpart B or subpart F of this part;

(8) A description of a recordkeeping system that will identify and document the details of training, qualification, and certification of students, instructors, and evaluators;

(9) A description of quality control measures proposed; and

(10) A method of demonstrating the applicant's qualification and ability to provide training for a certificate or rating in fewer than the minimum hours prescribed in part 61 of this chapter if the applicant proposes to do so.

(c) The facilities and equipment described in paragraph (b)(6) of this section shall be in place at the location of the proposed training center for inspection by the Administrator at the time the application required under paragraph (a) of this section is submitted.

(d) An applicant who meets the requirements of this part and is approved by the Administrator is entitled to—

(1) A training center certificate containing all business names included on the application under which the certificate holder may conduct operations and the address of each business office used by the certificate holder; and

(2) Training specifications, issued by the Administrator to the training center certificate holder, containing—

- (i) The type of training authorized, including—
 - (A) Training center ratings; and
 - (B) Approved courses;
- (ii) The category and class of aircraft that may be used for training;
- (iii) Registration numbers and types of aircraft that are—
 - (A) Subject to an airworthiness maintenance program required by parts 91, 121, 125, 135, or any other part of this chapter; and
 - (B) Suitable for the type of training, testing, or checking being conducted;
- (iv) For each flight simulator or flight training device, the make, model, and series of airplane or the set of airplanes being simulated and the qualification level assigned, or the make, model, and series of rotorcraft, or set of rotorcraft being simulated and the qualification level assigned;
- (v) For each flight simulator and flight training device subject to qualification

evaluation by the National Simulator Program Manager, the serial number assigned by the manufacturer;

(vi) The name and address of all satellite training centers, and the approved courses offered at each satellite training center;

(vii) Authorized deviations or waivers from this part; and

(viii) Any other items the Administrator may require or allow.

(e) The Administrator may deny, suspend, revoke, or terminate a certificate under this part if the Administrator finds that—

(1) Any certificate the Administrator previously issued to the applicant for, or holder of, a training center certificate, was revoked, suspended or terminated within the previous 5 years;

(2) An applicant for, or holder of, a training center certificate employs or proposes to employ a person who—

(i) Was previously employed in a management or supervisory position;

(ii) Exercised control over any certificate holder whose certificate has been revoked, suspended, or terminated within the last 5 years; and

(iii) Contributed materially to the revocation, suspension, or termination of that certificate and who will be employed in a management or supervisory position, or who will be in control of or have a substantial ownership interest in the training center.

(3) The information required to be provided by this part by the applicant for, or holder of, a training center certificate is incomplete, inaccurate, fraudulent, or false;

(4) The applicant for, or holder of, a training center certificate has violated any provision of § 142.21 of this part; or

(5) The issuance or continuance of such certificate would not foster aviation safety.

(f) At any time, the Administrator may amend a training center certificate—

(1) On the Administrator's own initiative, under Section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429), as amended, and part 13 of this chapter; or

(2) Upon timely application by the certificate holder.

(g) The certificate holder must file an application to amend a training center certificate at least 60 calendar days prior to the applicant's proposed effective amendment date unless a different filing period is approved by the Administrator.

§ 142.15 Management and personnel requirements.

An applicant for a training center certificate must show that—

(a) For each proposed course of training, the training center has, and shall maintain, a sufficient number of instructors who are qualified in accordance with subpart C or subpart G of this part, as applicable, to perform the duties to which they are assigned;

(b) The training center has, and shall maintain, a sufficient number of approved evaluators to provide required checks and tests to graduation candidates within 7 calendar days of training completion for any curriculum leading to airman certificates or ratings, or both;

(c) The training center has, and shall maintain, a sufficient number of management personnel who are qualified and competent to perform required duties; and

(d) A management representative, and all personnel who are to conduct direct student training, are able to understand, read, write, and fluently speak the English language.

§ 142.17 Facilities.

(a) An applicant for, or holder of, a training center certificate shall ensure that—

(1) Each room, training booth, or other space used for instructional purposes is heated, lighted, and ventilated to conform to local building, sanitation, and health codes; and

(2) The facilities used for instruction are not routinely subject to significant distractions from flight operations and maintenance operations at the airport.

(b) An applicant for, or holder of, a training center certificate shall establish and maintain a principal business office that—

(1) Has a mailing address in the name shown on its training center certificate application, or training center certificate, after it is issued; and

(2) Has facilities adequate to maintain the records required by this part.

(3) Is not shared with another certificate holder; however, automated recordkeeping systems approved by the Administrator may be shared by more than one training center or certificate holder.

(c) The principal business office address may not be a Post Office box.

(d) An applicant for, or holder of, a training center certificate must have exclusive use, at a location approved by the Administrator, of adequate flight training equipment and courseware appropriate for the training to be conducted.

(e) A training center certificate may be issued to an applicant having a business office or training center located outside the United States.

§ 142.19 Satellite training centers.

(a) The holder of a training center certificate may conduct training in accordance with an approved training program at a satellite training center if—

(1) The facilities, equipment, personnel, and course content of the satellite training center meet the applicable requirements of this part;

(2) The instructors and evaluators at the satellite training center are under the direct supervision of management personnel approved for each training course;

(3) The Administrator is notified in writing that a particular satellite is to begin operations at least 60 days prior to proposed commencement of operations at the satellite training center; and

(4) The training center certificate holder's training specifications reflect the name and address of the satellite training center and the approved courses offered at the satellite training center.

(b) The training center certificate holder's training specifications shall prescribe the operations required and authorized at each satellite training center.

§ 142.20 Foreign training centers: Special rules.

(a) A training center or satellite training center may be located outside the United States only if it is in a location approved by the Administrator.

(b) A training center or satellite training center located outside the United States is permitted to issue certificates to United States citizens and to add ratings and endorsements to FAA-issued certificates to the extent authorized and approved by the Administrator.

§ 142.21 Prohibited drugs.

(a) An applicant for, or holder of, a training center certificate may not knowingly permit any aircraft owned or leased by that applicant or holder to be engaged in any operation that is in violation of § 91.12(a) of this chapter.

(b) The following requirements apply to persons who perform a function listed in appendix I to part 121 of this chapter for the training center certificate holder, including persons who perform such a function pursuant to a contract with the training center certificate holder:

(1) No training center certificate holder may knowingly use any person to perform, nor may any person perform for a training center certificate holder, either directly or by contract, any function listed in appendix I to part 121 of this chapter while that person has a prohibited drug, or drug metabolite, as

defined in appendix I, in his or her system.

(2) Except as provided in paragraph (c) of this section, no training center certificate holder may knowingly use any person to perform, nor may any person perform for a training center certificate holder, either directly or by contract, any function listed in appendix I to part 121 of this chapter if that person has failed a test or has refused to submit to a test that is required by that appendix and that is given by a training center certificate holder.

(c) Paragraph (b)(2) of this section does not apply to a person who has received—

(1) A recommendation to be hired or to return to duty from a Medical Review Officer in accordance with appendix I to part 121 of this chapter; or

(2) A special issuance medical certificate after evaluation by the Federal Air Surgeon for drug dependency in accordance with part 67 of this chapter.

§ 142.23 Testing for prohibited drugs.

(a) Each training center certificate holder must test each of its employees who performs a function listed in appendix I to part 121 of this chapter in accordance with that appendix.

(b) No training center certificate holder may use a contractor to perform a function listed in appendix I to part 121 of this chapter unless that contractor tests each employee performing that function for the training center certificate holder in accordance with that appendix.

§ 142.25 Refusal to submit to a drug test.

(a) Each training center certificate holder must conduct drug testing for each of its employees who performs a function listed in appendix I to part 121 of this chapter.

(b) A certificate holder may not employ any person who refuses to take a drug test as required by paragraph (a) of this section. Refusal to take a drug test is grounds for termination of authority to perform the functions listed in part 121, appendix I, of this chapter.

(c) Refusal to take a drug test, as required in paragraph (b) of this section, means refusal to take a drug test when requested by—

(1) The training center certificate holder;

(2) A local law enforcement officer under his or her own authority; or

(3) An FAA inspector, under the circumstances specified in appendix I to part 121 of this chapter.

§ 142.27 Display of certificate.

(a) Each holder of a training center certificate must prominently display that certificate in a place accessible to the public in the principal business office of the training center.

(b) A training center certificate and training specifications must be made available for inspection upon request by—

(1) The Administrator;

(2) An authorized representative of the National Transportation Safety Board; or

(3) Any Federal, State, or local law enforcement agency.

§ 142.29 Inspections.

Each training center certificate holder must allow the Administrator to inspect training center personnel, facilities, equipment, and records at any reasonable time and in any reasonable place in order to determine compliance with or to determine initial or continuing eligibility under the Federal Aviation Act of 1958, as amended, the Federal Aviation Regulations, and the training center's certificate and training specifications.

§ 142.31 Advertising limitations.

(a) A training center certificate holder may not conduct, and may not advertise to conduct, any training that is not approved by the Administrator.

(b) A training center certificate holder whose certificate has been surrendered, suspended, revoked, or terminated must—

(1) Promptly remove all indications, including signs, wherever located, that the training center was certificated by the Administrator; and

(2) Promptly notify all advertising agents, or advertising media, or both, employed by the training center certificate holder to cease all advertising indicating that the training center is certificated by the Administrator.

§ 142.33 Training agreements.

A pilot school certificated under part 141 of this chapter may provide training, testing, and checking for a training center certificated under this part if—

(a) There is a training, testing, and checking agreement between the certificated training center and the pilot school;

(b) The training, testing, and checking provided by the certificated pilot school is approved and conducted in accordance with this part;

(c) The pilot school certificated under part 141 obtains the Administrator's approval for a training course outline that includes the portion of the training,

testing, and checking to be conducted under part 141; and

(d) Upon completion of training, testing, and checking conducted under part 141, a copy of each student's training record is forwarded to the part 142 training center and becomes part of the student's permanent training record.

Subpart B—Aircrew Curriculum, Training Course Outline, and Syllabus [Other Than Air Carrier and Part 125]

§ 142.35 Applicability.

This subpart prescribes the curriculum and course outline requirements for the issuance of a training center certificate and ratings for training, testing, and checking conducted to meet the requirements of part 61 of this chapter.

§ 142.37 Approval of flight aircrew training program.

(a) Each applicant for, or holder of, a training center certificate must apply to the Administrator for training program curriculum approval.

(b) Application for training program curriculum approval shall be made in a form and in a manner acceptable to the Administrator.

(c) Each application for training program curriculum approval must indicate—

(1) Which courses of the training program curriculum are part of the core training program and which courses are part of the specialty training program;

(2) Which requirements of part 61 would be satisfied by the training program curriculum; and

(3) Which requirements of part 61 would not be satisfied by the training program curriculum.

(d) If, after a training center certificate holder begins operations under an approved training program curriculum, the Administrator finds that the certificate holder is not meeting the provisions of its approved training program, the Administrator may require the certificate holder to make revisions to that training program.

(e) If the Administrator requires a training center certificate holder to make revisions to an approved training program curriculum and the certificate holder does not make those required revisions, the Administrator may suspend, revoke, or terminate the training center certificate under the provisions of § 142.13(e) of this part.

§ 142.39 Training program curriculum requirements.

Each training program curriculum submitted to the Administrator for approval must meet the applicable

requirements of this part and must contain—

- (a) A syllabus and course outline for each proposed course of training;
- (b) Minimum aircraft and flight training equipment requirements for each proposed course of training;
- (c) Minimum instructor and evaluator qualifications for each proposed course of training;

(d) A training program curriculum for initial authorization and continuing authorization of each instructor or evaluator employed to instruct in a proposed course of training; and

(e) For each training program that provides for the issuance of a certificate or rating in fewer than the minimum hours prescribed by part 61 of this chapter for training, testing, and checking conducted under part 142 of this chapter—

(1) A means of demonstrating the ability to reduce the minimum hours prescribed in part 61 of this chapter for training, testing, and checking conducted under part 142 of this chapter; and

(2) A means of tracking student performance.

Subpart C—Personnel and Flight Training Equipment Requirements [Other Than Air Carrier and Part 125]

§ 142.45 Applicability.

This subpart prescribes the personnel and flight training equipment requirements for a part 142 training center certificate holder that are required for training that is applied toward the requirements of part 61 of this chapter.

§ 142.47 Training center instructor eligibility requirements.

(a) A training center may not employ a person as an instructor unless that person—

- (1) Is at least 18 years of age;
- (2) Is able to read, write, and converse fluently in English; and
- (3) Except as provided in paragraph (b) of this section—

(i) Holds a current flight instructor certificate and at least a commercial pilot certificate with an instrument rating or Airline Transport Pilot (ATP) certification;

(ii) Is currently qualified to instruct under part 121 or Part 135 of this chapter at the time of accepting employment; or

(iii) Holds a ground instructor certificate with an instrument rating and meets at least the aeronautical experience requirements in § 61.129(b) or § 61.131(a) of this chapter for either an airplane or rotorcraft rating, respectively, except for the required

hours of instruction in preparation for the commercial pilot practical test.

(b) A training facility operating under an exemption to part 61 prior to [the effective date of the final rule] may allow a person who has been employed as a simulator instructor for that training facility to continue to instruct provided the training facility—

- (1) Is certificated under this part;
- (2) Assures that the person:
 - (i) Maintains continuous employment with the training center after it is certificated under this Part; and
 - (ii) Instructs only in qualified and approved flight simulators in which that person has been authorized by the Administrator to instruct within the 12 months immediately preceding certification of the employing training center.

§ 142.49 Training center instructor privileges and limitations.

(a) A part 142 certificate holder may not allow an instructor to provide instruction in any course of training, testing, or checking for which that instructor is qualified unless that instructor is qualified under the requirements of this subpart.

(b) A training center, whose instructor is authorized in accordance with the requirements of this subpart to conduct training, testing, or checking in a qualified and approved flight simulator or in a qualified and approved flight training device, may allow its instructor to give endorsements required by part 61 of this chapter if that instructor is authorized by the Administrator to instruct in a part 142 course of training that requires such endorsements.

(c) A training center may not allow an instructor to—

- (1) Conduct more than 8 hours of instruction in any 24 consecutive hour period;
- (2) Provide flight simulator or flight training device instruction unless that instructor meets the requirements of §§ 142.51, 142.53 (a)(1) through (a)(4), and 142.53(b) of this part, as applicable; or

(3) Provide flight instruction in an aircraft unless that instructor—

- (i) Meets the requirements of § 142.53 (a)(1), (a)(2), and (a)(5) of this part;
- (ii) Is qualified and authorized in accordance with subpart G of part 61 of this chapter;

(iii) Holds certificates and ratings specified by part 61 of this chapter appropriate to the category, class, and type aircraft in which instructing;

(iv) Holds at least a valid second class medical certificate; and

(v) Meets the currency requirements of part 61 of this chapter.

§ 142.51 Qualifications to instruct in a flight simulator or a flight training device.

A training center certificate holder must ensure that—

(a) Except as required by paragraph (b) of this section, each instructor who instructs in a qualified and approved flight simulator or flight training device that represents an airplane meets the aeronautical experience requirements of § 61.129 of this chapter, except for the required hours of instruction in preparation for the commercial pilot practical test; or

(b) Each instructor meets the aeronautical experience requirements of § 61.155 of this chapter, if instructing—

(1) In a qualified and approved flight simulator or flight training device that represents an airplane requiring a type rating;

(2) In a course of training that permits the issuance of an ATP certificate with an airplane category rating; or

(3) In a course which permits the addition of an airplane category rating to an existing ATP certificate.

(c) Except as required by paragraph (d) of this section, each instructor who instructs in a qualified and approved flight simulator or flight training device that represents a rotorcraft, meets the applicable aeronautical experience requirements of § 61.131 of this chapter, except for the required hours of instruction in preparation for the commercial pilot practical test; or

(d) Each instructor meets the aeronautical experience requirements of § 61.161 of this chapter, if the instructor—

(1) Instructs in a qualified and approved flight simulator that represents a rotorcraft requiring a type rating;

(2) Instructs in a course of training leading to the issuance of an ATP certificate with a rotorcraft category rating; or

(3) Instructs in a course which permits the addition of a rotorcraft category rating to an existing ATP certificate.

§ 142.53 Training center instructor training and testing requirements.

(a) Prior to authorization to instruct a course of training, testing, and checking, and except as provided in paragraph (c) of this section, every 12 calendar months beginning the first day of the month following an instructor's initial authorization, a training center certificate holder must ensure that each of its instructors meet the following requirements:

(1) Each instructor must satisfactorily demonstrate to an authorized evaluator knowledge of, and proficiency in, instructing each course of training for

which that instructor is authorized to instruct under this part.

(2) Each instructor must satisfactorily complete an approved course of ground instruction in at least—

- (i) The fundamental principles of the learning process;
- (ii) Elements of effective teaching, instruction methods, and techniques;
- (iii) Instructor duties, privileges, responsibilities, and limitations;
- (iv) Training policies and procedures;
- (v) Cockpit resource management and crew coordination; and
- (vi) Evaluation.

(3) Each instructor who instructs in a qualified and approved flight simulator or flight training device must satisfactorily complete an approved course of flight simulator training and an approved course of ground instruction applicable to the training courses the instructor is authorized to instruct.

(4) The course required by paragraph (a)(3) of this section must include—

- (i) Proper operation of flight simulator and flight training device controls and systems;
- (ii) Proper operation of environmental and fault panels;
- (iii) Limitations of the flight simulator or flight training device; and
- (iv) Minimum equipment requirements for each course of training.

(5) Each flight instructor who provides training in an aircraft must satisfactorily complete an approved course of ground instruction and flight training in an aircraft, flight simulator, or flight training device.

(6) The approved course of ground instruction and flight training required by paragraph (a)(5) of this section must include instruction in—

- (i) Performance and analysis of flight training procedures and maneuvers applicable to the training courses that the instructor is authorized to instruct;
- (ii) Technical subjects covering aircraft subsystems and operating rules applicable to the training courses that the instructor is authorized to instruct;
- (iii) Emergency operations; and
- (iv) Emergency situations likely to develop during training and appropriate safety measures.

(b) In addition to the requirements of paragraphs (a)(1) through (a)(6) of this section, each training center certificated under this part must ensure that each instructor who instructs in a qualified and approved flight simulator in an advanced simulation training program has met the following requirements:

- (1) Except as provided in paragraph (b)(2) of this section, the instructor must have performed 2 hours in flight that includes three takeoffs and three landings as the sole manipulator of the

controls of an aircraft of the same category and class, and, if a type rating is required, of the same type replicated by the qualified and approved flight simulator in which that instructor is authorized to instruct.

(2) An instructor who is unable to hold a medical certificate may not instruct in a qualified and approved flight simulator that represents an airplane requiring two flight crewmembers unless that instructor has—

- (i) Participated in an approved line observation program under part 121 or part 135 of this chapter, in the same airplane type as the airplane represented by the qualified and approved flight simulator in which that instructor is authorized to instruct; or
- (ii) Participated in an in-flight observation training course, that includes at least three takeoffs and three landings, and that—

(A) Consists of at least 2 hours in an airplane of the same class and, if a type rating is required, of the same type, as the airplane replicated by the qualified and approved flight simulator in which that instructor is authorized to instruct; and

(B) Includes performing at least 1 hour of LOFT as the sole manipulator of the controls in a flight simulator that replicates an aircraft of the same class and, if a type rating is required, of the same type as the aircraft represented by the qualified and approved flight simulator in which that instructor is authorized to instruct.

(c) An instructor who satisfactorily completes a course of training required by paragraph (a) or (b) of this section in the calendar month before or after the month in which it is due is considered to have taken it when due, and future authorization due dates do not change.

§ 142.55 Training center evaluator requirements.

(a) In order to authorize a person as an evaluator, a training center must ensure that the person—

- (1) Is approved by the Administrator;
- (2) Is in compliance with §§ 142.47, 142.49, 142.51 and 142.53 of this part; and
- (3) Prior to authorization, and except as provided in paragraph (b) of this section, every 12-calendar-month period following initial authorization satisfactorily completes a course of training provided by the training center that includes the following:

- (i) Pilot evaluator duties, functions, and responsibilities;
- (ii) Methods, procedures, and techniques for conducting required checks;

(iii) Evaluation of pilot performance; and

(iv) Management of unsatisfactory checks and subsequent corrective action.

(b) An instructor who satisfactorily completes a course of training required by paragraph (a) of this section in the calendar month before or the calendar month after the month in which it is due is considered to have taken it when due, and future authorization due dates do not change.

§ 142.57 Aircraft requirements.

(a) An applicant for, or holder of, a training center certificate must ensure that each aircraft used for flight instruction and solo flights meets the following requirements:

(1) The aircraft must be registered as a civil aircraft of the United States if it is operated in the United States by a training center or satellite training center located in the United States.

(2) The aircraft must meet the aircraft registration requirements of the country in which it is operated, if it is operated outside the United States by a training center or satellite training center located outside the United States.

(3) Except for flight instruction and solo flights in a course of training for agricultural aircraft operations, external load operations, and similar aerial work operations, the aircraft must have—

(i) An FAA standard airworthiness certificate if it is operated in the United States by a training center or satellite training center located in the United States; or

(ii) A foreign equivalent of an FAA standard airworthiness certificate if it is operated outside the United States by a training center or by a satellite training center located outside the United States.

(4) The aircraft must be maintained and inspected in accordance with—

(i) The requirements of part 91, subpart E, of this chapter; and

(ii) An approved program for maintenance and inspection.

(5) The aircraft must be equipped and maintained for IFR operations if it is to be used for IFR en route operations or for instrument approaches, or both.

(6) The aircraft must be equipped as provided in the approved course for which it is used, if it is used for instruction in the control of an aircraft by reference to instruments.

(b) Except as provided in paragraph (c) of this section, an applicant for, or holder of, a training center certificate must ensure that each aircraft used for flight instruction is at least a two-place aircraft with engine power controls and flight controls that are easily reached

and that operate in a conventional manner from both pilot stations.

(c) Airplanes with controls such as nose-wheel steering, switches, fuel selectors, and engine air flow controls that are not easily reached and operated in a conventional manner by both pilots may be used for flight instruction if the training center certificate holder determines that the flight instruction can be conducted in a safe manner considering the location of controls and their nonconventional operation, or both.

§ 142.59 Flight simulators and flight training devices.

(a) An applicant for, or holder of, a training center certificate must show that each flight simulator and flight training device used for training, testing, and checking is specifically qualified and approved by the Administrator for—

(1) Each maneuver and procedure for the make, model, and series of aircraft or set of aircraft simulated, as applicable; and

(2) Each training program curriculum or training course in which the flight simulator or flight training device is to be used.

(b) The approval required by paragraph (a)(2) of this section must include—

(1) The set of aircraft, or type aircraft; and, if applicable,

(2) The particular variation within type, for which the training, testing, or checking is being conducted; and

(3) The particular maneuver, procedure, or crewmember function to be performed.

(c) Each qualified and approved flight simulator or flight training device used by a training center must—

(1) Be maintained to ensure the performances, functions, and all other characteristics that were required for approval;

(2) Be modified to conform with any modification to the airplane being simulated if the modification results in changes to performance, function, or other characteristics required for approval;

(3) Be given a functional preflight check before being used; and

(4) Have a discrepancy log in which the instructor or evaluator, at the end of each training session, enters each discrepancy.

(d) Unless otherwise authorized by the Administrator, all components on a qualified and approved flight simulator or flight training device used by a training center must be operative.

(e) Training centers shall not be restricted to specific—

(1) Route segments during LOFT scenarios; and

(2) Visual data bases replicating a specific customer's bases of operation.

(f) Training centers may request evaluation, qualification, and continuing evaluation for qualification of flight simulators and flight training devices without—

(1) Holding an air carrier certificate or

(2) Having a specific relationship to an air carrier certificate holder.

Subpart D—Operating Rules [Other Than Air Carrier and Part 125]

§ 142.61 Applicability.

This subpart prescribes the operating rules applicable to a training center certificated under this part and operating a course or training program curriculum approved in accordance with subpart B of this part.

§ 142.63 Privileges.

A training center certificated under this part may employ flight simulator instructors and evaluators who meet recency of experience requirements through the use of a qualified and approved flight simulator or flight training device, if the qualified and approved flight simulator or flight training device is used in a course approved in accordance with subpart B or subpart F of this part, as applicable.

§ 142.65 Limitations.

(a) A training center certificate holder shall ensure that a flight simulator or flight training device freeze, slow motion, or repositioning feature is not used during testing, checking, or LOFT.

(b) When flight testing, flight checking, or LOFT is being conducted, the training center certificate holder must ensure that:

(1) Except as provided by paragraph (b) (2) of this section, a crewmember qualified in the aircraft category, class, and type, if a type rating is required, occupies each crewmember position; or

(2) A student enrolled in a specific course for training, checking, testing, or LOFT occupies each required crewmember position for those functions in that course without holding the pilot certificates and ratings necessary to qualify for that crewmember position.

(c) The holder of a training center certificate may not recommend a trainee for a certificate or rating, unless the trainee—

(1) Has satisfactorily completed the training specified in the course approved under § 142.37 of this part; and

(2) Has passed the final tests required by § 142.37 of this part.

(d) The holder of a training center certificate may not graduate a student from a course unless the student has satisfactorily completed the curriculum requirements of that course.

Subpart E—Recordkeeping [Other Than Air Carrier and Part 125]

§ 142.71 Applicability.

This subpart prescribes the training center recordkeeping requirements for trainees enrolled in a course, and instructors and evaluators authorized to instruct a course, approved in accordance with subpart B of this part.

§ 142.73 Recordkeeping requirements.

(a) A training center certificate holder must maintain a record for each trainee that contains—

(1) The name of the trainee;

(2) A copy of the trainee's pilot certificate and medical certificate;

(3) The name of the course and the make and model of flight training equipment used;

(4) The trainee's prerequisite experience and course time completed;

(5) The trainee's performance on each lesson and the name of the instructor providing instruction;

(6) The date and result of each end-of-course practical test and the name of the evaluator conducting the test; and

(7) The number of hours of additional training that was accomplished after any unsatisfactory practical test.

(b) A training center certificate holder shall maintain a record for each instructor or evaluator authorized to instruct a course approved in accordance with subpart B of this part that indicates that the instructor or evaluator has complied with the requirements of §§ 142.13, 142.45, 142.47, 142.49, 142.51, and 142.53 of this chapter, as applicable.

(c) The certificate holder shall maintain the records required by paragraphs (a) and (b) of this section for at least 1 year following the completion of required training for each trainee, instructor, and evaluator.

(d) The certificate holder must provide to the Administrator, upon request and at a reasonable time and in a reasonable place, the records required by paragraphs (a) and (b) of this section.

(e) The certificate holder shall provide to a trainee, upon request and at a reasonable time, a copy of his or her training records.

Subpart F—Aircrew Curriculum, Training Course Outline, and Syllabus [Air Carrier and Part 125]

§ 142.75 Applicability.

This subpart prescribes the curriculum and course outline requirements for the issuance of a training center certificate and ratings for training conducted to meet the requirements of part 63, part 121, part 125, or part 135 of this chapter.

§ 142.77 Approval of flight aircrew training program.

(a) Each applicant for, or holder of, a training center certificate must apply to the Administrator for training program curriculum approval.

(b) Application for training program curriculum approval shall be made in a form and in a manner acceptable to the Administrator.

(c) Each application for training program curriculum approval must—

(1) Indicate which courses of the training program curriculum are part of the core training program and which courses are part of the specialty training program;

(2) Indicate which requirements of part 61, part 63, part 121, part 125, or part 135, as applicable, would be satisfied by the training program curriculum; and

(3) Indicate which requirements of part 61, part 63, part 121, part 125, or part 135, as applicable, would not be satisfied by the training program curriculum.

(d) If, after a training center certificate holder begins operations under an approved training program curriculum, the Administrator finds that the training center certificate holder does not meet the provisions of its approved training program, the Administrator may require that the training center certificate holder make appropriate revisions to its training program.

(e) If the Administrator requires a training center certificate holder to make revisions to an approved training program curriculum and the certificate holder does not make those required revisions, the Administrator may suspend, revoke, or terminate the training center certificate under the provisions of 142.13(e) of this part.

§ 142.79 Approval of training, qualification, or evaluation by a training center.

(a) Each training program curriculum submitted to the Administrator for approval must meet the applicable requirements of this part and, for each proposed course of training, contain—

(1) A syllabus and course outline;

(2) Minimum flight training equipment requirements that identify the specific

make, model, and series aircraft (or variant) and crewmember position for which the course is designed;

(3) Minimum instructor and evaluator qualifications; and

(4) A training program curriculum for initial authorization and continuing qualification of each instructor or evaluator employed to instruct that course.

(b) For each course designed to meet requirements of part 121, part 125, or part 135 of this chapter, a training center certificate holder must ensure that—

(1) The Administrator has approved the training center's—

(i) Facilities for planned training, qualification, or evaluation required by part 121 or part 135 of this chapter;

(ii) Training program curriculum, or course, for use by each air carrier certificate holder, or operator under Part 125 of this chapter for whom it is to be used; and

(2) Each air carrier certificate holder, or operator under part 125 of this chapter, that has contracted for training with the training center certificate holder, has—

(i) Notified the Administrator of its intent to use a training program curriculum, or course, approved under part 142 of this chapter; and

(ii) Submitted the notification required by paragraph (b)(2)(i) of this section, in writing, at least 30 days prior to the date that training for that air carrier certificate holder or operator is scheduled to commence.

(c) If the Administrator requires modification of an approved training program curriculum or course to ensure that the curriculum or course is suitable for a specific air carrier certificate holder's training program requirements, the training center certificate holder must make the required modification.

Subpart G—Personnel and Flight Training Equipment Requirements [Air Carrier and Part 125]

§ 142.83 Applicability.

This subpart prescribes the personnel and flight training equipment requirements for a training center certificate holder engaged in training for a part 121 or part 135 certificate holder, or an operator under part 125 of this chapter.

§ 142.85 Training center instructor eligibility requirements.

(a) A training center may not employ a person as an instructor unless that person—

(1) Is at least 18 years of age;

(2) Is able to read, write, and converse fluently in English; and

(3) Except as provided in paragraph (b) of this section—

(i) Is currently qualified to instruct under Part 121 or Part 135 of this chapter at the time of accepting employment; or

(ii) Holds a ground instructor certificate with an instrument rating and meets at least the aeronautical experience requirements in §§ 61.129(b) or 61.131(a) of this chapter for either an airplane rating, if instructing in a simulator representing an airplane, or rotorcraft rating, if instructing in a simulator representing a rotorcraft, except for the required hours of instruction in preparation for the commercial pilot practical test.

(b) A training center operating under an exemption to part 61 of this chapter before [the effective date of the final rule] may allow a person who has been employed as a simulator instructor for that training center to continue to instruct provided the training center—

(1) Is certificated under this part;

(2) Assures that the person—

(i) Maintains continuous employment with the training center after it is certificated under this part; and

(ii) Instructs only in qualified and approved flight simulators and flight training devices in which that instructor has previously been authorized by the Administrator to instruct within the 12 months immediately preceding certification of the employing training center.

§ 142.87 Training center instructor privileges and limitations.

(a) A part 142 certificate holder may allow an instructor to instruct each course of training, testing, and checking conducted under this part for which that instructor is qualified in accordance with the requirements of this subpart.

(b) A training center certificated under this part may allow an instructor authorized in accordance with the requirements of this subpart to conduct training, testing, and checking in a qualified and approved flight simulator or flight training device to give endorsements required by part 61 of this chapter, if that instructor is authorized to instruct in a part 142 course which requires such endorsements.

(c) A training center certificated under this part may not allow an instructor to:

(1) Conduct more than 8 hours of instruction in any 24 consecutive hour period.

(2) Provide flight simulator or flight training device instruction unless that instructor meets the requirements of §§ 142.89 and 142.91(a)(1) through (a)(4) of this part.

(3) Provide flight instruction in an aircraft unless that instructor meets the requirements of paragraphs § 142.91 (a)(1), (a)(2), and (a)(5) of this part.

(4) Notwithstanding the provisions of part 121 and part 135 of this chapter, provide flight instruction in an aircraft unless that instructor—

(i) Holds at least a valid second class medical certificate issued under part 67 of this chapter;

(ii) Holds the appropriate certificates and ratings specified by subpart G of part 61 of this chapter; and

(iii) Meets the currency requirements of part 61 of this chapter; or

(iv) As applicable to the instruction being provided, meets the requirements of § 121.411 or § 135.339 of this chapter;

(5) Provide instruction in a training center training program established under subpart F of this part for an air carrier unless—

(i) The instructor holds an airman certificate and ratings required to serve as a pilot in command, or flight engineer, as appropriate to the instruction, in the type aircraft in which he or she will instruct;

(ii) The instructor completes an initial, transition, recurrent, or differences flight training course, as appropriate, within the preceding 12 months;

(iii) The instructor has been trained and qualified to instruct in the courses of the training program curriculum that he or she will instruct;

(iv) The FAA has approved the training program curriculum for use in accordance with subpart F of this part; and

(v) The training center has notified the air carrier certificate holder's Principal Operations Inspector (POI) that the instructor is providing instruction for the air carrier.

§ 142.89 Qualifications to instruct in a flight simulator or a flight training device.

A training center certificate holder must ensure that—

(a) Except as required by paragraph (b) of this section, each instructor who instructs in a qualified and approved flight simulator or flight training device that represents an airplane meets the aeronautical experience requirements of § 61.129 of this chapter, except for the required hours of instruction in preparation for the commercial pilot practical test; or

(b) Each instructor meets the aeronautical experience requirements of § 61.155 of this chapter, if instructing—

(1) In a qualified and approved flight simulator or flight training device that represents an airplane requiring a type rating;

(2) In a course of training that permits the issuance of an ATP certificate with an airplane category rating; or

(3) In a course which permits the addition of an airplane category rating to an existing ATP certificate.

(c) Except as required by paragraph (d) of this section, each instructor who instructs in a qualified and approved flight simulator or flight training device that represents a rotorcraft, meets the applicable aeronautical experience requirements of § 61.131 of this chapter, except for the required hours of instruction in preparation for the commercial pilot practical test; or

(d) Each instructor meets the aeronautical experience requirements of § 61.161 of this chapter, if the instructor—

(1) Instructs in a qualified and approved flight simulator that represents a rotorcraft requiring a type rating;

(2) Instructs in a course of training leading to the issuance of an ATP certificate with a rotorcraft category rating; or

(3) Instructs in a course which permits the addition of a rotorcraft category rating to an existing ATP certificate.

§ 142.91 Training center instructor training and testing requirements.

(a) Prior to authorization to instruct a course of training, testing, and checking, and except as provided in paragraph (c) of this section, every 12 calendar months beginning the first day of the month following an instructor's initial authorization, a training center certificate holder must ensure that each of its instructors meet the following requirements:

(1) Each instructor must satisfactorily demonstrate to an authorized evaluator knowledge of, and proficiency in, instructing each course of training for which that instructor is authorized to instruct under this part.

(2) Each instructor must satisfactorily complete an approved course of ground instruction in at least—

(i) The fundamental principles of the learning process;

(ii) Elements of effective teaching, instruction methods, and techniques;

(iii) Instructor duties, privileges, responsibilities, and limitations;

(iv) Training policies and procedures;

(v) Cockpit resource management and crew coordination; and

(vi) Evaluation.

(3) Each instructor who instructs in a qualified and approved flight simulator or flight training device, must satisfactorily complete an approved course of flight simulator training and ground training applicable to the courses

that the instructor is authorized to instruct.

(4) The course required by paragraph (a)(3) of this section must include—

(i) Proper operation of flight simulator and flight training device controls and systems;

(ii) Proper operation of environmental and fault panels;

(iii) Limitations of the flight simulator or flight training device; and

(iv) Minimum equipment requirements for each course of training.

(5) Each flight instructor who provides training in an aircraft must satisfactorily complete an approved course of ground instruction and flight training in an aircraft, flight simulator, or flight training device.

(6) The approved course of ground instruction and flight training required by paragraph (a)(5) of this section must include instruction in—

(i) Performance and analysis of flight training procedures and maneuvers applicable to the training courses that the instructor is authorized to instruct;

(ii) Technical subjects covering aircraft subsystems and operating rules applicable to the training courses that the instructor is authorized to instruct;

(iii) Emergency operations; and

(iv) Emergency situations likely to develop during training and appropriate safety measures.

(b) In addition to the requirements of paragraphs (a)(1) through (a)(6) of this section, each training center certificate holder must ensure that each instructor who instructs in a qualified and approved Level C or Level D flight simulator has met the following requirements:

(1) Except as provided in paragraph (b)(2) of this section, the instructor must have performed 2 hours in flight including three takeoffs and three landings as the sole manipulator of the controls of an aircraft of the same category and class, and, if a type rating is required, of the same type replicated by the qualified and approved flight simulator in which that instructor is authorized to instruct.

(2) An instructor who is unable to hold a medical certificate may not instruct in a qualified and approved flight simulator that represents an airplane requiring two flight crewmembers unless that instructor has participated in—

(i) An approved line observation program under part 121 or part 135 of this chapter, in the same airplane type as the airplane represented by the qualified and approved flight simulator in which that instructor is authorized to instruct; or

(ii) An in-flight observation training course, that includes at least three takeoffs and three landings, and that—

(A) Consists of at least 2 hours in an airplane of the same class and, if a type rating is required, of the same type, as the airplane replicated by the qualified and approved flight simulator in which that instructor is authorized to instruct; and

(B) Includes performing at least 1 hour of LOFT as the sole manipulator of the controls in a flight simulator that replicates an airplane of the same class and, if a type rating is required, of the same type as the qualified and approved flight simulator in which that instructor is authorized to instruct.

(c) An instructor who satisfactorily completes a course of training required by paragraph (a) or (b) of this section in the calendar month before or the calendar month after the month in which it is due is considered to have taken it when due, and future authorization renewal dates do not change.

§ 142.93 Training center evaluator requirements.

(a) In order to authorize a person as an evaluator, a training center must ensure that the person—

(1) Is approved by the Administrator;

(2) Is in compliance with §§ 142.13, 142.85, 142.87, 142.89 and 142.91 of this part; and

(3) Prior to initial authorization, and every 12-calendar-month period following initial authorization, satisfactorily completes a course of training given by the employing training center which includes the following:

(i) Pilot evaluator duties, functions, and responsibilities;

(ii) Methods, procedures, and techniques for conducting required checks;

(iii) Evaluation of pilot performance; and

(iv) Management of unsatisfactory checks, and subsequent corrective action.

(b) A person who satisfactorily completes a course of training required by paragraph (a) of this section in the calendar month before or after the month in which it is due is considered to have taken it when due.

§ 142.95 Aircraft requirements.

An applicant for, or holder of, a training center certificate must ensure that each aircraft used for flight instruction meets the following requirements:

(a) If the aircraft is operated in the United States by a training center or satellite training center located in the United States, the aircraft must—

(1) Be registered as a civil aircraft of the United States; and

(2) Have an FAA standard airworthiness certificate.

(b) If the aircraft is operated outside the United States by a training center or satellite training center located outside the United States, the aircraft must—

(1) Meet the aircraft registration requirements of the country in which it is operated; and

(2) Have a foreign equivalent of a standard airworthiness certificate.

(c) The aircraft must be maintained and inspected in accordance with the requirements of subpart E of part 91 of this chapter unless maintained in accordance with a continuous airworthiness maintenance program as provided in part 121, part 125, part 127, part 129, or part 135 of this chapter.

§ 142.97 Flight simulators and flight training devices.

(a) An applicant for, or holder of, a training center certificate must show that each flight simulator and flight training device used for training, testing, and checking—

(1) Is qualified by the Administrator for each maneuver and procedure for the make, model, and series of aircraft, or set of aircraft, simulated, as applicable; and

(2) Is approved by the Administrator for use in each course or training program curriculum in which the flight simulator or flight training device is to be used.

(b) The approval described in paragraph (a)(2) of this section includes the set of aircraft, or category, class and type aircraft, and the variation within type, as applicable, for which the training, testing, or checking is being conducted and the maneuver, procedure, or crewmember function involved.

(c) Each qualified and approved flight simulator or flight training device used by the training center must—

(1) Be maintained to ensure the performances, functions, and all other characteristics that were required for approval;

(2) Be modified to conform with any modification to the airplane being simulated that results in changes to performance, function, or other characteristics required for approval;

(3) Be given a functional preflight check before being used; and

(4) Have a discrepancy log in which each discrepancy is entered by the using instructor or evaluator at the end of each session.

(d) Unless otherwise authorized by the Administrator, all components on a qualified and approved flight simulator

or flight training device used by a training center must be operative.

(e) The holder of a training center certificate shall not be restricted to specific—

(1) Route segments during LOFT scenarios; and

(2) Visual data bases replicating a specific customer's bases of operation.

(f) Training centers may request evaluation, qualification, and continuing evaluation for qualification of flight simulators and flight training devices without holding an air carrier certificate and without having a specific relationship to an air carrier certificate holder.

Subpart H—Operating Rules [Air Carrier and Part 125]

§ 142.101 Applicability.

This subpart prescribes the operating rules applicable to a training center certificated under this part and operating a course or training program curriculum approved in accordance with subpart F of this part.

§ 142.103 Privileges.

(a) Training center flight simulator instructors and evaluators may meet recency of experience requirements in a qualified and approved flight simulator or flight training device, if the flight simulator or flight training device is used in a course approved in accordance with subpart B, or subpart F, of this part, as applicable.

(b) Aircraft manufacturer's training centers may provide Initial Operation Experience to training cadre of air carrier certificate holders.

(c) Aircraft manufacturer's instructor pilots may satisfy the recency of experience requirements of § 61.57 of this chapter through revenue service flights, flight training, or production and engineering test flights, if those pilots meet the requirements of § 142.89 applicable to training center check airman.

§ 142.105 Limitations.

(a) A training center certificate holder shall ensure that a flight simulator or flight training device freeze, slow motion, or repositioning feature is not used during testing, checking, or LOFT.

(b) When flight testing, flight checking, or LOFT is being conducted, the training center certificate holder must ensure that:

(1) Except as provided by paragraph (b)(2) of this section, a crewmember qualified in the aircraft category, class, and type, if a type rating is required, occupies each crewmember position; or

(2) A student enrolled in a specific course for training, checking, testing, or LOFT occupies each required crewmember position for those functions in that course without holding the pilot certificates and ratings necessary to qualify for that crewmember position.

(c) The holder of a training center certificate may not recommend a trainee for a certificate or rating, unless the trainee—

(1) Has satisfactorily completed the training specified in the course approved under § 142.77 of this part; and

(2) Has passed the final tests required by § 142.77 of this part.

(d) The holder of a training center certificate may not graduate a trainee from a course unless the trainee has satisfactorily completed the curriculum requirements of that course.

Subpart I—Recordkeeping [Air Carrier and Part 125]

§ 142.111 Applicability.

This subpart prescribes the training center recordkeeping requirements for trainees enrolled in a course, and instructors and evaluators authorized to instruct a course, approved in accordance with subpart F of this part.

§ 142.113 Recordkeeping requirements.

(a) A training center certificate holder must maintain the records required for this subpart for each trainee who receives training, testing, or checking under this part for part 121, part 125, or part 135 of this chapter.

(b) The records required by paragraph (a) of this section must contain—

(1) The name of the trainee;

(2) The name of the trainee's employer;

(3) The name of the course and the make and model of flight training equipment used;

(4) The name of each evaluator who conducts a required test or check.

(5) The date and result of all training, tests, or checks undertaken; and

(6) The date of training and the name of the instructor providing training.

(c) A training center must maintain a record for each instructor or evaluator authorized to instruct a course approved in accordance with subpart F of this part, indicating that the instructor or evaluator has complied with the requirements of §§ 142.13, 142.85, 142.87, 142.89, 142.91, and 142.93, of this part, as applicable.

(d) The certificate holder shall maintain the records required by paragraphs (a) through (c) of this section for at least 1 year following the completion of training.

(e) The certificate holder must provide to the Administrator, upon request and at a reasonable time and in a reasonable place, the records required by paragraphs (a) through (c) of this section.

(f) The certificate holder shall provide to a trainee, upon request and at a reasonable time, a copy of his or her training records.

§ 142.114 Record of training recipients.

(a) A training center must maintain a list of air carrier certificate holders for whom it conducts training, testing, or checking, including the names of the courses and type of tests or checks accomplished for each certificate holder.

(b) A training center must forward, within 30 days of any change or addition, the report required by paragraph (a) of this section to—

(1) The FSDO having responsibility for the training center; and

(2) The air carrier certificate holder's POI.

Subpart J—Other Approved Courses

§ 142.115 Conduct of other approved courses.

(a) An applicant for, or holder of, a training center certificate may apply for approval to conduct a course for which a curriculum is not prescribed by this part.

(b) The course for which application is made under paragraph (a) of this section may be for flight crewmembers other than pilots, airmen other than flight crewmembers, material handlers, ground servicing personnel, and security personnel, and others approved by the Administrator.

(c) An applicant for course approval under this subpart must comply with the applicable requirements of subpart B or subpart F of this part.

(d) The Administrator shall approve the course for which the application is made if the training center or training center applicant shows that the course contains a curriculum that will achieve a level of competency equal to, or greater than, that required by the appropriate part of the Federal Aviation Regulation.

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Thomas C. Accardi,

Director, Flight Standards Service.

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